




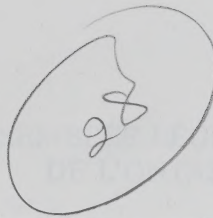
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**Legislative Assembly
of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 14 June 1994

**Journal
des débats
(Hansard)**

Mardi 14 juin 1994



Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 14 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 14 juin 1994

The House met at 1332.

Prayers.

MEMBERS' STATEMENTS

BARRHAVEN-LONGFIELDS HIGH SCHOOLS

Mr Hans Daigeler (Nepean): Last Friday was a great day for the Barrhaven-Longfields community in my riding. After many, many years of waiting, we finally received the exciting news that the government has approved two high schools for this rapidly growing neighbourhood of some 25,000 people.

The Catholic and public school boards had put a Barrhaven-Longfields high school first and second, respectively, on their capital priority list. To the credit of the Minister of Education and Training, he accepted the boards' recommendations, and I wish to express publicly to Mr Cooke my thanks and the gratitude of my community for his decision.

When the minister, last April, responded to a letter from me on this subject, I was encouraged by the positive tone of his communication. I was truly delighted, and so was all of Barrhaven, when his final decision was announced last Friday and two high schools received the go-ahead from the provincial government.

Over the past weekend, we celebrated Barrhaven Community Day with a parade, a fair and other neighbourhood events. The approval of two high schools was the best news we could get in time for this annual event, and I wish to thank the Minister of Education again for making this year's Barrhaven Community Day more memorable than ever.

HERSHEY CANADA YOUTH TRACK AND FIELD MEET

Mr Leo Jordan (Lanark-Renfrew): On Saturday, June 4, I was presented with this T-shirt as I joined the 520 students who participated in the fourth annual Hershey Canada youth track meet in Smiths Falls. The number has steadily increased over the years from approximately 150 starting out. Students aged 9 to 14 from Lanark county and Renfrew county districts took part in a full day's program designed to develop winning minds and healthy lifestyles.

This year, students were fortunate to receive coaching and training advice from an exceptional Canadian athlete, Glen Roy Gilbert. Mr Gilbert participated on three Canadian Olympic teams and was the seventh Canadian Olympian to compete on both the summer and winter teams in one year. I commend Mr Gilbert for spending the entire day with the young competitors and providing them with an outstanding role model for fitness and excellence.

I also commend the plant manager of the Hershey

plant in Smiths Falls, Stan Darcy, and the Hershey corporation for sponsoring this great event. Since the first youth track meet in Hershey, Pennsylvania, in 1975, this company has provided the invaluable community service of encouraging young people to live healthy and balanced lives. I am pleased to see this kind of good corporate citizenship continue for the young people of Lanark and Renfrew county, who once again had the opportunity to win through participation.

AGRICULTURAL LABOUR POLICY

Mr Pat Hayes (Essex-Kent): I would like to draw the attention of the House to a brochure that I recently received in the mail from the honourable leader of the official opposition. This brochure makes very interesting reading.

It's about Bill 91, the Agricultural Labour Relations Act. Ms McLeod claims that under this legislation "family members, including uncles, aunts and nephews, working on farms could be forced to join unions." Now, Bill 91 specifically exempts family members defined as "spouse, child, sibling, parent or grandchild of the employer" from the provisions of any collective agreement that may be reached between employer and employees, including seniority provisions. Nobody is forced to join a union, least of all uncles etc. Surely the leader of the opposition should know that.

The brochure gets even more interesting. Ms McLeod claims, "There is no provision to prevent strike action against family farms," yet section 14 of the act says clearly, "No employee shall strike or threaten a strike," and section 15 goes on to say that, "No trade union...shall call or authorize or threaten...a strike and no...official or agent of a trade union...shall counsel, procure, support or encourage a strike."

Has Ms McLeod read the bill? Has she understood it? Or is she seeking to sow fear in the hearts of the farming community by making such outrageous claims, full well knowing that they are not valid?

This brochure is an insult to the intelligence of the farmers and to rural Ontario.

HEALTH CARE

Mr Robert V. Callahan (Brampton South): Normally, the birth of a first child to a couple and the arrival of a grandmother from outside this country is a celebration. Not so for a couple in Brampton. They brought their mother here. They wisely sought out \$25,000 worth of insurance to cover any eventualities, medical needs. She had no previous complaints whatsoever. She came here and unfortunately suffered a stroke.

She entered Toronto Hospital, figuring \$25,000 would cover her needs, and it turned out that it wasn't enough.

She suffered a further stroke there, and the hospital is now looking for the balance, after the \$25,000, of some \$100,000.

This young couple, who live in an apartment and have one child, are going to be required to declare bankruptcy because of this event.

We hear all sorts of things here of people coming into this country and getting health care and never having to pay for it. Here's a couple who took wise steps to try to provide for their 71-year-old mother, who died.

I've sent two letters to the Minister of Health. I sent one to her on April 25, explaining the entire event, and I sent another one to her—I handed it to her in the House—on May 25. I have yet to receive an answer from the minister.

Is this the way the government operates? Is it only when there's great publicity to be garnered from helping people? These people in Brampton deserve your help and I suggest that the Minister of Health please answer. At least say yes or no.

I'll deliver these as well, Mr Speaker, over to the minister.

1340

PHYSIOTHERAPISTS

Mr Cameron Jackson (Burlington South): This year marks the 30th anniversary of the formation of the Ontario Physiotherapy Association as the Canadian physiotherapy professionals' first provincial branch on May 21, 1964.

A critically important part of modern health care delivery, physiotherapy prevents, identifies and corrects movement dysfunction. Physiotherapists are employed in a wide range of settings, including acute and extended care hospitals, rehabilitation and mental health centres, private clinics, government and community agencies.

Physiotherapists play a central role in a multi-disciplinary approach to total health care and rehabilitation. The profession also specializes in preventive health care through education and community-based delivery services. Offering an alternative approach to health care, physiotherapists employ a dynamic rehabilitation model of treatment that seeks to enhance quality of life and increase the independence of its patients.

The Regulated Health Professions Act now defines physiotherapists as primary health care professionals who don't require a physician's referral to provide treatment. Some needless barriers to primary access still remain, such as the requirement for referrals under schedule 5 of OHIP, the Workers' Compensation Board and the Public Hospitals Act. Potential conflict of interest must also be examined where physiotherapy clinics are run by those who are not members of the profession. I call on this government to address these concerns as soon as possible.

I join with all my colleagues to congratulate the Ontario physiotherapists on 30 years of excellence in health care delivery in this province. We pledge to continue to work with physiotherapy professionals to develop cost-effective and commonsense ways to meet the health care challenges of the future.

SEXUAL ORIENTATION

Mr Rosario Marchese (Fort York): Last Thursday, the halls of this building echoed with the word "shame" shouted in unison by hundreds of citizens and heard in every corner of the province: Shame on all of us politicians for failing to uphold the human rights of same-sex relationships.

To me, it was one of the bleakest days in the history of this House. Politics prevailed over justice, common sense gave in to ignorance, and decency lost to ignominy.

I was shocked by some of the offensive remarks made during the debate in this House. It astounds me that some members refused to reflect logically about the issue, preferring instead to give vent to their worst instincts and fears. I see this as an abdication of our duty as legislators.

Amid all of this, I was moved by the impassioned appeals made on behalf of gays and lesbians and their families by many members. In particular, I want to thank Mr Poirier for delivering the most moving speech I have heard in this House in years. Rarely have such words of respect for our fellow human beings been uttered in this place with such simplicity and conviction.

I salute the gay and lesbian people for their leadership and determination. The debate in which they engaged us has been a source of enlightenment for many people from all walks of life. The rights of same-sex relationships have been advanced significantly by this debate in spite of its conclusion.

I join Mr Poirier in his exhortation, "Vive la différence."

MULTICULTURAL EVENTS

Mr Steven W. Mahoney (Mississauga West): Recently, we enjoyed a weekend in Mississauga where groups got together under the name and the banner of Carassauga, which was to celebrate all activities that go on in the multicultural community throughout our community.

Last night, the member for Brampton North hosted, along with our leader in caucus, a reception for folks from Brampton, who are leading up to the Carabram festivities, and of course we have Caravan coming up in the GTA in the Toronto area.

The purpose of telling you about this is to say that this is a real opportunity to foster understanding among the various communities in our city and indeed around the province, an opportunity for us to enjoy the many different cultures, the food and a little bit of the liquid refreshment from time to time.

In my own community, we had 17 pavilions that were set up around the entire city. My wife and I were able to attend at 14 of them before we ran out of steam on the Sunday and ran out of time.

Every year, this is an opportunity for us to get to know one another in the community, to enjoy the positive aspects of family life with the many different groups. This year, in Mississauga, we actually had an Ontario pavilion, where we learned about early life in Ontario with the settlers, and it was a great success in our city. I look forward to Brampton's and to Caravan in Toronto.

AGRICULTURAL LABOUR POLICY

Mr Noble Villeneuve (S-D-G & East Grenville): Recently, I received this card in the mail, which must be an embarrassment to the Liberal Party. The card is actually coming from Lyn McLeod, the leader of the Liberals. As we know, when a Liberal puts something down on paper, we ask ourselves, "Can you trust them?" Recent events would say not.

The issue is Bill 91. When the NDP first introduced this bill in July 1993, I was the only critic from any party to say that a PC government would immediately scrap the bill. The Liberal Labour critic, the member for Mississauga West, refused to make that commitment. During the Bill 40 debate, only the PC Party moved an amendment to exempt agriculture. The Liberals had the same chance and did nothing.

Why did they fail to act? you ask. Today, the Liberals claim they want to restore the exemption. Where were they? They were absent when they had chance to do it. We cannot trust them. Why is it that everyone close to the issue knows that the discussions that led to Bill 91 began in 1986, under a Liberal government? Is that why the Liberal Opposition Day motion on April 5 of this year only called on the government to redraft Bill 91? We said we would scrap it.

It is only now that some Liberals have said they are opposed to Bill 91, but if Lyn McLeod is opposed today, she probably would not be tomorrow. That's the Liberal policy.

Make no mistake: Even Lyn McLeod's card declares that Liberals intend to unionize the family farm.

The facts are obvious. The Liberals failed to do their homework on Bill 91. They intend to unionize the family farm. They cannot be trusted.

SYDENHAM STREET UNITED CHURCH

Mr Gary Wilson (Kingston and The Islands): On Saturday, June 18, the congregation of Sydenham Street United will launch a public appeal to raise money to restore the 142-year-old church. The estimated cost of restoring stone, mortar and wood beams is \$600,000, which shows the commitment of the congregation to ensuring that their building will continue to be an important landmark in the Kingston area.

But it's much more than a building. It's a dynamic group of men, women and children which, in the words of the 35th and current minister, Bill Hendry, continues a spirit that has always been one of giving and welcoming to all members of the community.

Certainly I've felt welcomed at special services I've attended, as well as concerts, both in the church proper and the hall. I vividly recall the singing of the choir from Kingston's Chinese community as they celebrated their New Year in the church hall. Like many other parents in the community, I've listened anxiously while my daughter has taken her Royal Conservatory of Music piano exams.

Music is obviously an important activity at Sydenham Street United. The choir director and organist, F.R.C. Clarke, not only leads a first-rate choir but also adds to our musical heritage through his composing.

But Sydenham's community involvement goes far beyond music. It is an important meeting place for Alcoholics Anonymous and Alanon, as well as the Helen Tufts tutorial program for disadvantaged children. With other groups, it provides food vouchers, counselling and friendship to Kingston residents in times of need.

Obviously, these activities can and do go on at other locations in our community. We have only to step outside the legislative building to see the multimillion-dollar restoration program under way at Queen's Park. We support the restoring of our Parliament building because it's important to our province's political heritage.

So it is with Sydenham United Church. By restoring their building, the congregation now is reaffirming the commitment of the small group of Methodists who decided to build the original church. But most importantly, they are carrying on the tradition of giving and welcoming to all members of the community into the future.

VISITORS

The Speaker (Hon David Warner): I invite all members to join me in welcoming to our chamber, and seated in the Speaker's gallery, members of the consular corp stationed in Toronto, representing 12 countries. Welcome to our chamber.

CORRECTION

Mr Bruce Crozier (Essex South): I rise with regard to a petition I gave on primary health care in this House last week.

On Thursday, June 9, I read a petition regarding primary health care which I had erroneously attributed to the nurse practitioners of Ontario. The petition should in fact be attributed to the Ontario College of Family Physicians.

I wish to express my apologies to the nurse practitioners' association of Ontario for any inconvenience this may have caused, and would like the record to reflect that the proper sponsor of that particular petition is the Ontario College of Family Physicians.

1350

ORAL QUESTIONS

SALE OF AMMUNITION

Mr Robert Chiarelli (Ottawa West): Before I ask the question, my question was supposed to be for the Solicitor General, who is not here. The other lead question was for the Minister of Education and Training, who is not here. We were advised that both ministers would be here.

The Speaker (Hon David Warner): The member will know that it is not appropriate to identify members who are not present. I would ask that he place his question.

Mr Chiarelli: In the absence of the Solicitor General, I'll ask my question to the Attorney General. Hopefully, she will be apprised of what's happening in this particular area.

The minister will no doubt acknowledge that there's broad public consensus demanding that governments act, and act now, to curb violence in our communities. In

response to this consensus, our caucus supported the introduction of a private member's bill, Bill 151, to control the purchase and sale of ammunition in Ontario.

This bill was debated on April 21 and MPPs from all parties voted in favour of this particular bill in principle and voted to refer it to the justice committee.

I see that the Solicitor General is now here. Minister, and I'm addressing this to the Solicitor General, on several occasions you personally left the clear impression in this Legislature that you supported this bill in principle but your main concern was whether it was constitutional. This was also stated explicitly by the Attorney General's parliamentary assistant in second reading debate.

The justice committee has now heard from two constitutional law experts that the province has clear authority to legislate in this area, and there's no doubt about that, yet last night at 5 pm your NDP members of the standing committee on administration of justice presented recommendations that would leave this whole area up to the federal government, with the province doing nothing to control the purchase and sale of ammunition.

Minister, you have the authority and you have a bill before you which was approved in principle. Why won't you show leadership and legislate in this area?

Hon David Christopherson (Solicitor General): Once again, we see the Liberals asking for a certain process to take place and then, when they're not satisfied with something or other, they change their minds and decide, no, they want it to be dealt with here and now in the House. That's pretty consistent with what we saw last week.

I will say again that we committed to the process because we sincerely wanted to have the kind of debate that is taking place in committee. I think we need to let the committee report. I have said very clearly that this government is very supportive of the issue of more responsible regulation of access to and control of ammunition, and we will follow up on that.

But I do think that if I did not wait until that report, which is due very shortly, within days or within a couple of weeks, then you, the honourable member, would be on your feet saying that it was a charade, that we weren't really interested in listening and that we were just playing games. I suggest to you, through the Speaker, that you're playing games with this and you're continuing to play games with it.

Mr Chiarelli: Minister, you have instructed your members of that committee to hijack the process. It's not the opposition. Minister, there's a broad public consensus for governments to act in this area. The Legislature has voted in principle to support the control of the purchase and sale of ammunition.

Minister, I want you to pay attention to the following advice from Mrs Priscilla de Villiers, from the victims' rights group CAVEAT, Canadians Against Violence Everywhere Advocating its Termination:

"I would urge you to take the leadership here.... Ontario has a huge population in Canada, has a big voice...assist us as we pound on the gates.... I would urge you please to take the leadership role."

That's what she told your members of the committee.

Also, Constable Tom Whitehead of the Metropolitan Toronto Police Force:

"I think the legislation that is being talked about and considered is going to make a difference.... I feel that it's a step in the right direction to help myself as a police officer and to help the citizens of this county."

Scott Newark of the Canadian Police Association: "Ontario should take a leadership role."

On second reading, Minister, the parliamentary assistant to the Attorney General:

"So who could possibly oppose greater restriction of the sale of ammunition? I certainly can't. Most people I know couldn't oppose further restriction of ammunition sales. However, we do have to be mindful, and I think that the member for Ottawa West is mindful, that there are some constitutional challenges here."

Those constitutional challenges have been met. There's no problem constitutionally. That's what the committee was told.

The Speaker: Does the member have a question?

Mr Chiarelli: My question is this: In light of these comments, Minister, why are you instructing NDP justice committee members to cool it on controlling ammunition sales in the province of Ontario?

Hon Mr Christopherson: The only thing that has been hijacked around here is whatever was left of the credibility and integrity of the Ontario Liberal Party. We continue to see that here today.

Let me be very clear, because the member is having a great deal of difficulty understanding some very simple principles.

First of all, this government is very supportive of the issue of putting more responsible control around the issue of ammunition.

Second, we agreed that because of the importance of this issue to the public, and I think to all parliamentarians here, we needed to have an all-party, non-partisan discussion at a legislative committee and to do it as quickly as possible, and we're doing that.

Third, we have said that the primary responsibility is obviously that of the federal government. If they don't move in this area, then the Ontario government needs to, provided we have the constitutional ability to do that. If, however, the federal government is going to take responsibility and move very quickly, then it's redundant for any province to move on its own legislation unless the federal government is taking longer than we think is appropriate or necessary.

But to stand up here today and talk about "Why haven't we done anything?" and "Why are there delays?" is just another example of how you want to have integrity when you stand up in here, yet when you go out and work the process, you want to change it all to suit yourself. This is a bogus allegation that he's making, and he knows that. I say again on behalf of this government, we're very supportive—

The Speaker: Would the minister conclude his response, please.

Hon Mr Christopherson: —of the issue of ammunition control, and we'll prove it to you.

Mr Chiarelli: Notwithstanding that harangue, I happen to think you're one of the better ministers on that side of the House. However, you have a tendency sometimes to be very bureaucratic.

We're not talking about hypothetical or academic questions here. I was told several weeks ago by the owner of a hunting and fishing store in my riding on Carling Avenue in Ottawa that he has no problem selling ammunition to a 15-, 16- or 17-year-old student. As well, last month a Scarborough high school student was found in school carrying a backpack loaded with ammunition for an AK-47 assault rifle, ammunition which can be purchased over the counter by a 14-, 15- or 16-year-old in Ontario.

Minister, you don't have the luxury to write to the federal government to ask it to control over-the-counter ammunition and to wait for some future action. You have the obligation, you have the authority and you have a bill before you to act now. Why don't you show the leadership? Why don't you instruct your members on the justice committee to move on Bill 151 and get this thing passed to respond to the people of Ontario?

Hon Mr Christopherson: First of all, let me say that I appreciate the compliment. I hope that, given recent experience, the member doesn't change his mind tomorrow, but I do with respect acknowledge the remark and thank him for that.

However, back to the issue. The fact of the matter is that I've made the commitment on behalf of this government. We will honour that commitment. The question now is, what's the best way to proceed in the interest of public safety? I would like and I would think all members of this House would like the benefit of our legislative all-party committee that has taken the time to look at this in detail and report back to us. Then, when I respond on behalf of this government to the recommendations in that report, we can have this debate. But until that happens, let's let our honourable colleagues do the job we set for them to do rather than change the process in midstream, which the Liberals continue to want to do on this particular issue.

SKILLS TRAINING

Mr Steven W. Mahoney (Mississauga West): My question is to the Minister of Education in the absence of the Minister of Labour. I think it's an issue he may have some interest in or some knowledge of.

My question concerns the Golden Key Centre for Learning, which is the school of choice for the Workers' Compensation Board to send its workers for retraining. This Golden Key Centre is located in Richmond Hill. According to its promotional material, it is designated as a private school inspected by the Ministry of Education and provides programs to prepare adults for entry into community colleges.

The curious thing is that it seems the Ministry of Education has never heard of the Golden Key Centre for Learning, and until they received calls from my office and my colleague Mr Kwinter's office, the Ministry of

Education had indeed, contrary to their statements, never inspected this school. Yet this school is issuing certificates—I have one here fresh off a word processor—granting grade 12 equivalency to its students.

1400

Minister, why is the WCB referring injured workers to a school to upgrade their academic qualifications when that school is not a recognized institution by your ministry and in fact has no business issuing certificates that claim that their students have achieved grade 12 equivalency?

Hon David S. Cooke (Minister of Education and Training): I will want to get the information from the ministry and from the Ministry of Labour before I try to answer the question. I'd certainly be interested in seeing the certificate that the member is referring to. He will understand that there is a difference between a certificate that an institution might issue and a secondary school diploma that would be issued with the sanction of the Ministry of Education and Training. There is quite a difference, but I certainly would like to check into the comments that the member has made.

Mr Mahoney: I'll be happy to send you a copy of this. It states right on it that it is a grade 12 equivalency. I can appreciate the fact that this should more appropriately perhaps go to the Minister of Labour, but your ministry is very much involved in inspecting these schools that are claiming to be issuing certificates that are indeed equivalent to grade 12.

An even more curious thing—and you might check into this too, Minister—about the Golden Key Centre for Learning is that all of their adult students are referrals by the Workers' Compensation Board. Small wonder, actually, because they charge the WCB \$1,350 per student per month. By comparison, the Peel Board of Education would charge an adult student for the same course a cost of \$50 for the entire course, a portion of which is refundable when the books are returned.

The Toronto Board of Education would charge anywhere from \$10 to \$30, depending on the course, and injured workers graduating from these courses would have something to show for their work: a legitimate diploma recognized by your ministry and by post-secondary institutions.

Minister, will you, along with your Minister of Labour, instruct the Workers' Compensation Board to refer their injured workers that they send out for retraining to a public board of education so that the courses are up to your ministry's standards and so that the Workers' Compensation Board can save tens, perhaps hundreds, of thousands of dollars in retraining costs?

Hon Mr Cooke: As I indicated to the member, I certainly will check into the situation. I don't think it's entirely fair to compare the \$1,300 to the \$50 or \$10, since with the courses that are offered at the public school system, there would be additional costs to the program that would be picked up through either the local levy of property taxes or provincial money, but more likely the local levy. So the comparison wouldn't be entirely fair. But I want to get more information about

the situation before I comment about the specifics.

Mr Mahoney: Minister, we're going to be debating later today a major bill on reforming the Workers' Compensation Board, and I recognize that your responsibility is in the Ministry of Education, but this is an agency under your control that is referring workers out for retraining to an institution that is approved by that agency, which claimed to have the blessing of your ministry and which is charging \$1,350 per student per month, as opposed to a \$50 cost by a public board which obviously is endorsed by your ministry.

The injured worker who brought this to my attention, through Mr Kwinter's office, is Mr Ronald Bowyer. Mr Bowyer has spent the last seven months at the Golden Key Centre, and he had no option in this matter. It was, "Attend this school or lose your benefits under the WCB." At \$1,350 per month, the board has spent \$9,450 for Mr Bowyer to earn this certificate right here, which is not even recognized by the Ministry of Education or any post-secondary institution.

You could have spent less than \$50 and enrolled him in a public board. You could have enrolled 189 workers for \$9,450.

The Speaker (Hon David Warner): Would the member place a question, please.

Mr Mahoney: For that matter, you could have sent one to university, including all costs, including room and board.

I understand that the WCB presently has no process in place to monitor or approve educational institutions for their injured workers—

The Speaker: Would the member place a question, please.

Mr Mahoney: —not even anything as simple as contacting your ministry.

Minister, will you put the brakes on this reckless spending at the WCB and will you, along with the Minister of Labour and the Premier, ensure that injured workers are indeed sent to institutions for retraining that are recognized by your ministry?

Hon Mr Cooke: The short answer to that very long question is that I told the member that we would check into the situation and get the facts. The minister who is primarily responsible for the issue is the Minister of Labour. Between the two of us, we'll get the information. I wouldn't necessarily go by all of the so-called facts that the member has laid out for us.

WORKERS' COMPENSATION BOARD

Mrs Elizabeth Witmer (Waterloo North): My question is for the Minister of Labour. I'm disappointed that in a day that we're discussing Bill 165, the Minister of Labour's not here to respond to the questions. In his absence, I will go to the Minister of Finance.

Last fall, after an extensive study of the WCB, the management representatives of the PLMAC advised the government, and I want to quote:

"The workers' compensation in Ontario is in crisis. The system is already technically bankrupt and owes workers \$11 billion more than it has money to pay them.

Without fundamental reform, there will not be enough money to pay injured workers unless the taxpayers of Ontario assume the payments."

Further, the minister will know that the bond rating services have identified the WCB's unfunded liability and the failure of the government to come up with a sensible strategy for dealing with it as a cause for concern with respect to the province's credit rating.

I want to quote Walter Schroeder, the president of Dominion Bond Rating Service, who, in the *Globe and Mail* on November 8, 1993, said, "If the government doesn't deal with it, it could raise the province's debt rating level 15% to 20%."

Despite these warnings from the business community and from the bond rating people, Bill 165 does nothing to address the unfunded liability crisis. In fact, according to the bill and your best estimates, after 20 years, the unfunded liability is going to increase further to \$13 billion.

Minister, given that the bill will increase the unfunded liability, can you tell us today how you can expect that this will not adversely affect Ontario's credit rating?

Hon Floyd Laughren (Minister of Finance): The member raises an important issue, namely, the unfunded liability of the Workers' Compensation Board, which has been building for many, many years, as I'm sure she'd acknowledge.

When we were looking at the unfunded liability the board was heading for without any intervention on the part of government, it was obvious that by the year 2014, as I recall, the unfunded liability of the board at that point was going to be over \$30 billion. It seems to me that was completely unacceptable, which is one reason the Premier's Labour-Management Advisory Committee was struck, to deal with that and many other issues.

Rather than casting it in a light of increasing the unfunded liability of the province, I think the member would agree that what we will accomplish by the changes that will be made at the WCB will be to reduce the unfunded liability from almost a dead certainty of over \$30 billion, down to a level—I think she used the number of \$13 billion by that year, which seems to me to be a major accomplishment.

Mrs Witmer: Minister, you didn't answer my question, and that was, how can you expect that this will not adversely affect Ontario's credit rating? That's what I'd like to know. But the other issue we need to come back to is the fact that the management caucus of the PLMAC did have a proposal which would have allowed the unfunded liability to be eliminated by the year 2014, and that's what our objective needs to be.

Unfortunately, this bill you've introduced is still going to leave it at \$13 billion, which is beyond what we have today, \$11.5 billion. So this bill doesn't address the unfunded liability crisis at the WCB. I'm concerned because it will have an impact on workers in the future.

One of the elements in the bill is that you have increased for workers and given them \$200 per month for those who are receiving awards for permanent partial disability. The public needs to know that this increase is

being paid to all workers in the designated category regardless of need, and that's important.

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The Speaker (Hon David Warner): Could the member place a question, please.

Mrs Witmer: This aspect is going to add \$1.5 billion to the WCB's unfunded liability. Considering that the WCB had a cash flow shortage of \$74 million in 1993, where are you going to find the money to pay the additional benefit?

Hon Mr Laughren: I hope the member will be fair in acknowledging the fact that on the advisory committee there was labour represented and management represented. One position a person could take is that since the Workers' Compensation Board is funded totally by employer contributions, therefore the unfunded liability should be resolved completely by increases in employer contributions. That isn't what came out of that committee. Fairminded people sitting on it recognized the fact that the assessment rates are already relatively high for employers in the province who contribute to the Workers' Compensation Board system.

At the same time, there are groups of workers out there who are not doing very well under our present system of compensation, the older workers for whom there's little chance that they will be rehabilitated. It was felt very strongly by most fairminded people that those folks should get an increase in their benefits. I don't think that's irresponsible; I think that's simply being fairminded.

Mrs Witmer: Unfortunately, Minister, what you've done is you haven't even maintained the status quo at \$11.5 billion; you've increased the unfunded liability to \$13 billion. I guess the only person suffering the consequences at the end of the day might be the injured worker who because of the bankruptcy of the system receives no benefits whatsoever.

However, I want to be fair to you and your government, because the crisis we have today has been bequeathed to you by your predecessors in the Liberal Party, who expanded the unfunded liability from \$2.7 billion to over \$9 billion during their tenure.

What they did was to fully index benefits, a move which added \$2 billion to the unfunded liability, and they introduced the future economic loss awards, which immediately added an additional \$1 billion to the unfunded liability. However, at the time they did this, the Minister of Labour at that time, Gregory Sorbara, said: "The overall financial impact of these reforms will be revenue-neutral. They will reallocate resources within the workers compensation system to compensate for loss of earning ability and help focus our efforts on the priority of rehabilitation."

Minister, we know that hasn't happened. Will you explain, despite the fact that the PLMAC identified those FEL awards as a serious concern, why Bill 165 does not address this problem of the FEL awards?

Hon Mr Laughren: There are some specifics in the member's question that I prefer were dealt with by the Minister of Labour, but I would say to the member

opposite that to put in perspective the number of \$13 billion—I'm not suggesting for a moment that this doesn't represent an increase from the unfunded liability today of \$11 billion, but if you work backwards the way the actuaries do to net present value, that \$13 billion in the year 2014 will be the equivalent of—I don't have the study in front of me, but I seem to recall it will be the equivalent of something like \$3 billion in net present value. I don't want to dismiss that or regard it as unimportant, but at the same time it really is, in terms of present-day value, a major reduction in the unfunded liability of the WCB.

Mr Charles Harnick (Willowdale): It's still \$13 billion.

Hon Mr Laughren: Of course it's \$13 billion, but in today's terms that is about \$3 billion.

To be fair, you should acknowledge the fact that because employer contributions have not kept up with the payout of benefits by the WCB, what the board was headed for was an unfunded liability in excess of \$30 billion. To put it in perspective, I believe this bill goes some way to reining in the growth in the unfunded liability of the board.

TORONTO ISLANDS COMMUNITY

Mrs Margaret Marland (Mississauga South): My question is to the Minister of Housing, and it has to do with the purchase list for housing on the Toronto Islands.

According to information I've obtained, these people, whose claim to an existing house is in dispute, will be given the highest priority for purchasing new homes and land leases—but remember, many disputed claims come from tenants who for years did not pay rent on their homes when Metro Toronto owned the land. The second priority is islanders who wish to move to another site. The third priority is residents of the islands' cooperative housing association, islanders with joint tenancy who wish to separate, and the adult children of island residents. The last priority, of course, is outsiders.

Yes, the tight NDP enclave on the Toronto Islands will be well protected. They will reap the benefits of Bill 61, which gave them the sweetheart deal of the century, with a-dollar-a-day rent, a-dollar-a-day land lease for 99 years. Indeed, those who were essentially squatters for years are being particularly well rewarded. They had a chance to save a pile of money and will now get first preference for purchasing a home.

Minister, do you agree with these priorities for the purchases of Toronto Island housing?

Hon Evelyn Gigantes (Minister of Housing): The member opposite, as a member of the Conservative Party, of course has always been dedicated to the destruction of housing on the Toronto Islands, though I wonder if her memory goes back far enough to recall that one Conservative member, who became the Conservative leader in this province for a short period of time—I refer to Larry Grossman, of course—was always in favour of continuing a community on the Toronto Islands.

It has also been a great bugaboo of this member and some other members of her party, and indeed some Liberal members, that when non-profit housing is devel-

oped and when communities are being preserved, there might be some people who might have voted for the NDP who would live in the housing involved. There are also some Conservatives and there are also some Liberals, and I hope she will begin to understand that situation.

The Toronto Islands community is like other communities. The people who live in it, who wish to continue to live in it and who wish to see it developed as a wonderful community within Metropolitan Toronto, supported, I might say, at this stage by the Metro government, contain all varieties of people: sizes, shapes, hair colours, ages, and indeed political parties.

Mrs Marland: The Toronto Islands are not like any other land waiting to be developed. The Toronto Islands are a park, for crying out loud.

It's no wonder that you, as minister, can't see the error of your government's ways when the policy adviser to the Minister of Municipal Affairs, Mr Bill Freeman, is a Toronto Islander himself. It is no wonder that housing is planned for environmentally sensitive sites when Bill Freeman was also Ruth Grier's policy adviser on the GTA when she was Environment minister.

Mrs Grier's communications adviser, Madeleine McLaughlin, is a Toronto Islander, as are Ms McLaughlin's brothers, Frank and Terry McLaughlin, who also have summer homes there. Think about that. They also have homes in the city. So much for the government's arguments about housing people in need.

We already know the lawyer for the island trust, Bruce Lewis, is married to Minister Grier's chief of staff, who, like Mr Freeman and Ms McLaughlin, worked for Mrs Grier in the Environment and GTA portfolios when Bill 61 was being drafted and debated.

There are many more connections like these. These NDP members and their pals are getting the housing deal of the century in Toronto.

1420

How can we trust your government's judgement on the Toronto Islands when senior advisers to cabinet ministers, including the former Environment minister, have a vested interest in maintaining their cosy island community?

Hon Ms Gigantes: This begins to be ridiculous. To hear the member opposite speak, somebody who votes NDP shouldn't have a place to live in Ontario. I mean, you'd drive them right across the American border, I suppose, or up into James Bay. What is this nonsense? These are not questions being raised by the member for Mississauga South; these are a bunch of slanders which she wouldn't repeat outside the Legislature.

I'd like to call to her attention the fact that the Toronto Star carried a very careful and lengthy apology about an article which contained some of the so-called facts she is using in her rhetorical statements today. She might be well advised to refer back to the Toronto Star of last Thursday and see which facts she has wrong, again.

Mrs Marland: If this minister would like to go through the list I've given today and tell me that those people don't own houses on the island and don't own properties in Toronto, and at the same breath say they

still want to provide housing for the poor, the people in need—that's what's ridiculous.

What is even more ridiculous is that this government is fast-tracking this process. They are exempting the Toronto Islands development from every other control that every other developer has to face. In fact, the Crombie commission recommended full protection of the Toronto Islands. The member for Dufferin-Peel and I have written to the Environmental Commissioner, Eva Ligeti, asking her to consider the environmental impact of building houses. Also, the Metropolitan Toronto and Region Conservation Authority, the city of Toronto and the Ministry of Natural Resources all have concerns.

Now we learn that the seawall lands, which to date have been ruled out as a housing site, are considered the best site for new housing because they are the highest parcel of land within the trust boundaries and flooding is a serious problem.

The Speaker (Hon David Warner): Could the member place a question, please.

Mrs Marland: Yes, I do have a question. Because the seawall side is still hazard land subject to spring flooding, public money will therefore go to support housing on a site which under normal regulatory process would not be approved. Moreover, the seawall area should be parkland, not housing. Minister, will you allow housing to be built on the seawall lands and extend this elitist NDP enclave?

Hon Ms Gigantes: The housing that will be developed on the Toronto Islands will be developed within the Jobs Ontario Homes program, meeting all the tests of the Jobs Ontario Homes program. It will be built within the environmental guidelines that have been established in this province.

It will be a community which, though she may not like to see it, in fact will provide housing for people of low income. She does not like to accept that fact. I know the Conservative Party doesn't want to see housing developed in the non-profit housing program anywhere in the province. Don't talk about environmental regulations. Don't talk about program rules. They don't want to see non-profit housing developed anywhere. They should come clean and say, "We don't favour non-profit housing anywhere, and on the Toronto Islands."

HEALTH FUNDING

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Finance, and it has to do with the issue of how much money is being spent on health care in the province.

The minister will know that the government issued a report recently that outlined the amount of money the province was spending on health care, which is an important component. But as the minister knows, about two thirds of the spending on health care is provided by the province, and well over a third comes from other sources, as the minister will know. If we want to understand what is happening to health spending in the province, we have to understand the total amount being spent on health in the province. The province, as I said, provides about \$17 billion, and another \$9 billion is provided from other sources.

Can the Minister of Finance confirm that we are spending an additional \$9 billion, roughly, from other sources? And more important, can he confirm that the percentage of funding coming from non-provincial sources is actually growing much faster than provincial sources and increasing as a percentage of the amount of money being spent on health care in the province?

Mr Murray J. Elston (Bruce): Just say yes.

Hon Floyd Laughren (Minister of Finance): I won't say yes, because I'm somewhat puzzled by what may be built into the question, and I may find out on the supplementary.

I would say to the member for Scarborough-Agincourt that he's right about the amount of spending on health care. It's about \$17 billion a year.

I don't say this as a partisan shot, but during the 1980s, provincial health care expenditures were increasing each year over the previous year by about 11%, and drug benefits by almost 20% each year over the previous year. That was completely unsustainable. It's thanks to the work of the present Minister of Health and the previous Minister of Health that we've reined in that growth in those costs, because that really was unsustainable. It's one of the areas that simply had to be addressed. It means making difficult decisions, but I really think it had to be done.

I await with some considerable interest the member's supplementary.

Mr Phillips: The purpose of the question is, if we don't understand and we aren't monitoring how much money is being spent on health from non-provincial sources, we frankly just aren't managing the health system.

The minister will know that we talk in this report about hospital spending but we ignore \$3 billion of hospital spending that is raised from non-provincial sources. So I say the report is useful but extremely incomplete: It doesn't report on health spending in the province; it reports where the provincial spending is going. If the minister doesn't understand that, I think we have a problem with how we are managing our health care system. In our judgement, the province is systematically looking to offload its health spending on to other areas. The minister shakes his head, but the hospitals tell us they increasingly have to find other sources of funding besides the province.

My question is this, and it's an important one: Is it the plan of the government to systematically move health spending off your books and on to someone else's books, whether it be private insurers or hospital fund-raisers or billing directly to employers? Is that the health plan, to systematically move health funding off the provincial books and on to other sources? Is that where this provincial government is heading?

Hon Mr Laughren: There's no question that any government in this province, and indeed other provinces as well, is having difficulty funding a universally accessible health care system. All provinces are having that difficulty, for obvious reasons. We have an aging population and we have increasingly expensive technology and

procedures that are in place and that people demand, so there's no question that there's an increasing problem in funding our health care system.

My own view is that unless provinces contain the growth in the cost of health care and medicare, we will slowly but surely be unable to pay for it and we'll lose the basic ingredients of a health care system of which most of us are very, very proud indeed.

Our attempt is not to shift the cost to anybody else. Despite what the federal government has done to us on health care, we are not trying to shift it to anybody else, but I say as vigorously as I can, we are attempting to rein in the growth in health care costs while at the same time continuing to provide the essential services.

1430

HEALTH INSURANCE

Mr Cameron Jackson (Burlington South): My question is for the Deputy Premier and Treasurer today. Minister, your government recently made a dramatic and rather draconian move to reduce OHIP coverage for emergency hospital services outside of Canada.

Although there have been several questions raised in the House, today there was a rally in front of Queen's Park with several hundred senior citizens, and they brought a different perspective to this debate. They in fact served notice that they were taking you and your government to court and they were taking it on. I quote directly from the comments that were stated this morning: "It's a tax equity issue, and we understand that by approaching the issue in this manner, we will be granted standing by the courts to present our case and ultimately may be granted leave to address the issue in the Supreme Court of Canada."

Given the fact that your government will now be sued over this issue, given that the minister herself said there is a task force studying this issue and the report will be coming out soon, and given, thirdly, that your own ministry has indicated it's not sure exactly how much of a savings this is going to be, can I ask the minister why it wouldn't be a commonsense, wise decision to delay implementation of this edict, which is set to occur in two weeks, until these matters are resolved, to avoid additional costs to taxpayers for this costly legal exercise? We could, at the end of it, find out that what you're doing is illegal and we could avoid a lot of expense. Would you not consider delaying this decision, please?

Hon Floyd Laughren (Deputy Premier and Minister of Finance): Personally, I wouldn't. I haven't talked to the Minister of Health about that possibility, I must say.

It seems to me that what we are simply trying to do, and it ties in nicely with the previous question from the member for Scarborough-Agincourt, is that at a time when it's very difficult to rein in the growth in the cost of health care, governments have to look for ways to reduce their expenditures in the health care system. Out-of-province costs are one way in which we continue to be able to put the resources into the health care system in this province, not somewhere else. So that's one of the reasons we did that.

Everyone has the right, if they feel there are adequate

grounds, to take it to the courts. That's fine. They can do that. The Minister of Health has indicated I believe that she's going to be talking to the federal Minister of Health and the other provinces on this matter; that is, keeping an open mind on the whole question.

Mr Jackson: I understand what you're trying to say, but I'm trying to convey to you the sense of what people are concerned about right today. Today they're concerned that you might save maybe \$2 million or \$3 million over the course of the summer—no, just hear out this concern—and we're saying you may end up spending \$4 million or \$5 million administering it and fighting it in court. There's compelling evidence here that this would not be a wise fiscal decision for the government.

My question is going to the Treasurer and Deputy Premier, so it's very much a concern of yours. Frankly, with the public statements of the federal Minister of Health basically saying that they don't agree with your government's decision and going to court in all probability in the next several weeks or months to test this question, it makes eminent good sense for the government to take one step back in the best interests of keeping those dollars in health services and not off fighting some legal debate in a court.

That's the point of raising this question with you today. This is new information to the debate. It's compelling evidence that we could lose an expensive court case.

The Speaker (Hon David Warner): Would the member place his question, please.

Mr Jackson: Quite frankly, at the end of it all, a lot of Ontario citizens, average citizens who are travelling abroad for whatever reason, could get caught in the crossfire, and the courts may rule ultimately that you owe that money back to those citizens who are out of pocket as a result of needing emergency care.

I ask you again, Minister, will you not please consider the financial arguments for delay briefly until this matter's resolved, to keep us out of court and keep those dollars in the health care system where they belong?

Hon Mr Laughren: The dollars in the health care system belong in this province. That's where the health care dollars belong.

I would remind the member opposite that we are one of, I believe, four provinces that have reduced rates for out-of-province coverage, so it's not as though we are out there all alone in this regard. I think there needs to be a consolidation of the position by all the provinces with the federal government in their interpretation of the Canada Health Act.

Rather than make a commitment like that to the member opposite, I would let the process unfold as the Minister of Health talks to her colleagues and to the federal Minister of Health.

RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM

Mrs Ellen MacKinnon (Lambton): My question is to the Minister of Housing. Minister, I understand that you were in New Brunswick last week for the annual federal, provincial and territorial ministers' conference on housing issues.

On behalf of my constituents—Lambton county, that is—I would like to know if the Liberal government will keep its election promise found in its red book and renew the funds for the RRAP program, the residential rehabilitation assistance program. As recently as last month, my office was told by the administrators of the program for the Lambton area that the program was out of money.

Hon Evelyn Gigantes (Minister of Housing): Shortly after the election of the new federal government—in fact, we had an earlier meeting of the housing ministers across Canada and at that time the federal minister indicated to the provincial ministers that the RRAP program, as it's called, would be reintroduced by the Liberals. However, we have not been given confirmation on when that program will be restarted.

Ontario has put forward a very strong position to the federal government that we should see some changes in the RRAP program administration so it will be open to use by people who can make better use of it in Ontario. In particular, we are looking at the situation of rooming house owners and other landlords who are able to provide tenancies for low-income residents of Ontario and asking that the federal government broaden the administrative rules for RRAP so that they can be provided that way.

But the simple answer is, not yet.

Mrs MacKinnon: Thank you, Madam Minister. The Tories cancelled non-profit housing construction and the urban native housing program, and from what I can see the Liberals continue to cut money from national housing, just like the Tories did.

What did your meeting with the federal minister result in to alleviate some of the hardships experienced by Canadians without decent housing?

Hon Ms Gigantes: The federal government has indicated that due to cost-cutting measures within the existing social housing programs across Canada—and indeed, a large contributor to these cost savings has been the province of Ontario administration—they will be used to assist programs that may affect aboriginal housing and may also be used for some special-needs housing in the future. But again, we have not been able to get a commitment from the federal government about the nature of the program that it is willing to be involved in or indeed about when those moneys would start flowing. We're certainly very anxious, and I have expressed that view on behalf of Ontario, to get on with some of the investment of the savings that we've managed to generate.

DEVELOPMENTALLY DISABLED

Mrs Yvonne O'Neill (Ottawa-Rideau): My question is to the Minister of Education and Training. May I ask a page, Mr Speaker, to take this binder over to the minister? This binder contains an open letter from a mother in my riding and 2,400 other people in eastern Ontario who have a question to ask the minister.

Many of these parents have been requesting this from the minister for a long time. This mother is requesting "the provision of full funding for individuals with developmental handicaps beyond the age of 21 years to the same extent that is available to other individuals and including an automatic eligibility for high school status."

Mr Minister, why are you discriminating against these vulnerable young people?

1440

Hon David S. Cooke (Minister of Education and Training): The ministry, with groups in the province, concerned parents and others, has been working on a policy, as the member will know, at the elementary-secondary level in terms of integration of special-needs students. We did take a major step forward with a program directive a couple of years ago in terms of integration at the local level, not at the neighbourhood level but at the community level.

We have now been working very extensively with groups and have determined a policy that will go the next step in terms of integration of special-needs students, and that policy I have discussed with advocacy groups and expect to be making announcements very soon. That covers the elementary and secondary levels.

Mrs O'Neill: Mr Minister, I don't know how comforting that letter is going to be to that mother. I just don't. You have said, up to this point, and I hope that you will reiterate this, that the Ontario Association for Community Living support is crucial to this matter. You likely know, as I do, that at the annual general meeting of that association held earlier this month, that support was obtained.

But, Mr Minister, the waiting lists continue to grow and this matter gets put further and further on the back burner, if not into oblivion altogether. I have the question for you then, Mr Minister: When are you going to give these young people—and I'm talking about the 21-plus, not the elementary and secondary—the educational opportunities they need and want?

Hon Mr Cooke: I think what we have to try to do during this difficult time of controls on expenditures is to make as much progress as we possibly can. We've done that through the development of a policy of integration of special-needs students at the elementary and secondary level, a policy that we talked to the advocacy groups and parents' groups about last week. They have been very supportive of the steps that we are taking, very supportive.

If the member is indicating that we're not moving quickly enough, I'd like to move more quickly. I'd like to move at the post-secondary level, but everything costs, in terms of resources. There was absolutely no progress made in this whole area between 1985 and 1990, during a time when dollars were rolling in at record levels. So don't lecture this government about the lack of action in terms of special-needs students. We're making progress during really difficult times. Where were you as a backbencher when your party was in power?

ENVIRONMENTAL TAXES

Mr David Tilson (Dufferin-Peel): I have a question for the Minister of Environment and Energy. Minister, your government is collecting \$35 million each year from the distillers. Your government is collecting another \$50 million each year from the 10-cent tax on beer cans. Can you tell us how you are using these two taxes on environmental matters?

Hon Bud Wildman (Minister of Environment and Energy): The member knows full well that revenues to government go into the consolidated revenue fund and are distributed through all government programs, whether they be environmental programs, health care, education and so on. So the member is quite aware of that and knew that before he asked the question.

Mr Tilson: I did know that and I guess my concern is, Minister, that when these taxes were introduced it was indicated that they would be used specifically for environmental matters. They certainly were. If you check Hansard and the arguments that were made by members of the government, that's exactly what they were intended to be used for.

You have made it clear that your government certainly has no intention to continue funding the blue box program in Ontario. In fact, last week you released a discussion paper indicating that the private sector would be leading a proposal to fund the blue box program.

Since the private sector appears to be going to be taking over the funding of the blue box program, my question is specifically—there doesn't appear to be any need to have these two taxes, and it falls into the category of the Liberal tire tax. The Liberal tire tax, of course, had much criticism from your government and from our side that it simply went nowhere.

My question to the minister is: Wouldn't it be more commonsensical to discontinue the levying of these two taxes, when all it's doing is going into the consolidated revenue fund and not being used for any environmental purposes specifically?

Hon Mr Wildman: The member raises a number of questions and he is confused. The fact is this: The revenue going into the consolidated revenue fund from these particular levies is for the general revenues of the government, which are used for environmental programs as well as all the other programs of the government. That was always the question.

It was never suggested by anyone that these levies were equivalent to the Liberal imposition of a tire tax. That was never suggested. Because the tire tax was not used and never was used by that government or the subsequent government as it was originally proposed by the Liberals, we discontinued that tax.

The fact is this: The member seems to be opposed to product stewardship. It seems to me that if anybody is interested in the environment, they would want packagers that produce a great deal of packaging to contribute to the stewardship of those products and to contribute to the blue box.

This government is committed to the blue box. There are over three million households in this province now using the blue box and we intend to ensure that continues. We intend to ensure that the private sector makes a proper contribution to that program.

ALTERNATIVE FUELS

Mr Randy R. Hope (Chatham-Kent): I have a question to the Minister of Agriculture, Food and Rural Affairs that's going to deal with the environment, family farms and jobs, especially in rural communities.

It is well known that this government fully supports the development of the ethanol industry in Ontario. Ontario corn producers, rural communities in southwestern Ontario, now await the matching federal response to the potential investors in a \$160-million ethanol plant in Chatham for greater certainty regarding the federal excise tax.

Time is running out, Mr Minister, for this project because of the realities. Given the potential of rural employment and economic benefits generated by the ethanol plant, what steps is the Minister of Agriculture, Food and Rural Affairs taking to ensure that the federal government will also support Chatham's ethanol project?

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): We've done a number of things. We continue to write letters on an almost weekly basis to my counterpart in Ottawa, the Honourable Mr Goodale, to encourage him to follow through on their commitments to provide the tax exemption for ethanol.

The other thing that we have done is last week, with my colleague the Minister of Economic Development and Trade, Frances Lankin, we actually signed an agreement with Commercial Alcohols which guarantees this province's commitment to provide the provincial sales tax exemption for the next 15 years. So we actually have a signed, legal agreement which guarantees and encourages this private investment, which is good for farmers, good for jobs and good for southwestern Ontario, and we're doing everything we can to encourage the federal government to follow suit.

Mr Hope: The minister is well aware that there is strong community support, as was indicated last Friday in the arena in my community, where over 2,000 people participated in support towards the ethanol industry.

You know that the public is very supportive of this plant being located in the city of Chatham. We also want to know what further support is required for his federal colleague to make a decision. My understanding is that we have the Tories, who just about signed an agreement and were ready to give the exemption; we have a New Democratic policy, which you just indicated, which would set out a 15-year exemption; and we have a Liberal red book, by the way, which is going a little white and pale because they haven't lived up to some of their promises.

Mr Minister, I need to know, how do we support the family farms in Kent county and throughout central and southwestern Ontario—

The Speaker (Hon David Warner): Would the member conclude his question, please.

Mr Hope: —and how do we make these things a reality for my people?

Hon Mr Buchanan: I have been following what's been going on in Chatham. The honourable member was at the rally, I believe it was last Friday. I think it's important for us to recognize that there were also some federal Liberals there, who were all singing from the same songbook. We know that the member from Kent and the member from Middlesex were both there saying that this is important, that it's important for the federal

cabinet to follow through. I noticed that the member from Middlesex yesterday said that the Ontario government had guts to proceed on this issue and that she wished her federal counterparts had the same kind of fortitude.

I know there is support from the Liberals in Ottawa and the only thing I can suggest is that the Liberal Party in Ontario perhaps should talk to the federal cabinet minister, who I believe is the Honourable Herb Gray, from Windsor, who represents that part of the province, and get some pressure on him.

I understand the cabinet in Ottawa has looked at this issue several times. The member is quite right that the federal Tories were within about a week of reaching agreement with Commercial, and they called the election before they signed it. I'm hoping that with the support of our colleagues across the way, perhaps together we can make this project come to successful fruition.

The Speaker: The time for oral questions has expired.

Mr Robert V. Callahan (Brampton South): On a point of privilege, Mr Speaker: Earlier today, in a statement to the House, I indicated to you an event that's taking place in my riding. One of the basic tenets of Parliament is the fact that members can communicate effectively with one another.

On behalf of a couple in my riding, I sent two letters to the Minister of Health, one dated April 25, the other dated May 25, hand-delivered in the House. Copies of those were sent over to the minister, who is not here, and I'd like them back. That's for starters.

Mr Speaker, these people, this couple in my riding, are facing the possibility of bankruptcy as a result of having to pay a bill to the Toronto Hospital—

The Speaker: Order. Would the member please take his seat.

Interjection.

The Speaker: Would the member please take his seat. The member will know that he does not have a point of privilege, but I appreciate the matter he's drawn to the attention of the House.

1450

MOTIONS

CONSIDERATION OF BILL Pr119

Hon Brian A. Charlton (Government House Leader): This is a motion regarding a private bill from the town of Orangeville.

I move that at the request of the applicant and on the recommendation of the standing committee on the Legislative Assembly, standing order 80(e), concerning publication of notice of an application for a private bill, and standing order 87, respecting notice of committee hearings, be waived with respect to Bill Pr119, An Act respecting the Town of Orangeville.

The Speaker (Hon David Warner): Is it the pleasure of the House that the motion carry? Carried.

PETITIONS

KETTLE ISLAND BRIDGE

Mr Gilles E. Morin (Carleton East): I have a petition addressed to the Parliament of Ontario:

"Whereas the government of Ontario has representation on the Joint Administrative Committee on Planning and Transportation for the National Capital Region; and

"Whereas JACPAT has received a consultants' report recommending a new bridge across the Ottawa River at Kettle Island, which would link up to Highway 417, a provincial highway; and

"Whereas the city and regional councils of Ottawa, representing the wishes of citizens in the Ottawa region, have passed motions rejecting any new bridge within the city of Ottawa because such a bridge and its access roads would provide no benefits to Ottawa but would instead destroy existing neighbourhoods,

"We, the undersigned, petition the Parliament of Ontario as follows:

"To reject the designation of a new bridge corridor at Kettle Island or at any other location within the city of Ottawa core."

I will affix my signature.

TOBACCO PACKAGING

Mrs Dianne Cunningham (London North): I have a petition to the Legislative Assembly of Ontario in support of plain packaging of tobacco products:

"Whereas more than 13,000 Ontarians die each year from tobacco use; and

"Whereas Bill 119, Ontario's tobacco strategy legislation, is currently being considered by the Legislative Assembly of Ontario; and

"Whereas Bill 119 contains the provision that the government of Ontario reserves the right to regulate the labelling, colouring, lettering, script, size of writing or markings and other decorative elements of cigarette packaging; and

"Whereas independent studies have proven that tobacco packaging is a contributing factor leading to the use of tobacco products by young people; and

"Whereas the government of Ontario has expressed its desire to work multilaterally with the federal government and other provinces, rather than act on its own, to implement plain packaging of tobacco products; and

"Whereas the existing free flow of goods across interprovincial boundaries makes a national packaging strategy the most effective method of protecting the Canadian public;

"Therefore we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

This petition is signed by almost 100 individuals, in fact more than 100, basically from the city of London and the county of Middlesex.

SEXUAL ORIENTATION

Mr Kimble Sutherland (Oxford): I am presenting three sets of petitions on the same issue. I'm presenting these petitions on behalf of the member for Cambridge, Mike Farnan, who as a minister without portfolio for

Education cannot present petitions in the House.

As I say, there are three sets. One set has 108 names on it, another set has 874 signatures, mainly collected from St Ambrose and St Patrick's parishes in Cambridge. All the names on these petitions were opposing the implementation of Bill 167 or giving rights to same-sex couples. Mr Farnan had made a commitment that these would be read into the House on behalf of his constituents, and I am fulfilling that commitment for him.

WORKERS' COMPENSATION BOARD

Mr Steven W. Mahoney (Mississauga West): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Workers' Compensation Board is in a state of financial crisis; and

"Whereas the future benefits of injured workers are at certain risk; and

"Whereas the Premier ignored the advice from his own business advisors on his labour and management advisory committee to eliminate the unfunded liability and to ensure that the WCB does not negatively impact the competitiveness of Ontario business; and

"Whereas Bill 165 increases benefits at a time when the Workers' Compensation Board is experiencing negative cash flow;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario government withdraw Bill 165 and accept the responsible business recommendations provided to the Premier to ensure the sustainability of the workers' compensation system."

SEXUAL ORIENTATION

Mr Allan K. McLean (Simcoe East): I have a petition to the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas traditional family values that recognize marriage as a union between a man and a woman are under attack by Liberal MPP Tim Murphy in his private member's Bill 45; and

"Whereas this bill will change the meaning of the words 'spouse' and 'marital status' by removing the words 'of the opposite sex'; and

"Whereas this bill would recognize same-sex couples and extend to them all the same rights as heterosexual couples; and

"Whereas this bill was carried with the support of an NDP and Liberal majority but with no PC support in the second reading debate on June 24, 1993; and

"Whereas the NDP government has indicated it will force private sector employers to pay same-sex spousal benefits; and

"Whereas redefining marriage and forcing the private sector to pay same-sex spousal benefits will have serious negative economic and social implications;

"We, the undersigned, petition the NDP government to withdraw consideration of private sector spousal benefits for same-sex couples and refuse to pass the Liberal private member's Bill 45."

That's got 210 signatures from Orillia, Sebright, Penetanguishene, Lafontaine, Elmvale, Phillipston, Wyevalle, Barrie and Midland, and I've attached my signature to it.

MOTORCYCLE AND SNOWMOBILE INSURANCE

Mr Ron Hansen (Lincoln): To the Legislative Assembly of Ontario:

"Whereas we, the undersigned"—there are 973—"are of the opinion that private insurance companies are exploiting Ontario motorcyclists and snowmobile operators by charging excessive rates for coverage or by outright refusing to provide coverage;

"Whereas we, the undersigned, understand that those insurance companies that do specialize in motorcycle insurance will only insure riders with four or more years of riding experience and are outright refusing to insure riders who drive certain models of 'supersport' bikes; and

"Whereas we, the undersigned, believe this situation will cost hundreds of jobs at dealerships in the motorcycle industry and is contrary to the rights of motorcyclists and snowmobile operators;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario should study the feasibility of launching public motorcycle and snowmobile insurance."

These are from Toronto, from Ottawa, from all over Ontario.

1500

SEXUAL ORIENTATION

Mr Sean G. Conway (Renfrew North): I have a petition here signed by scores of my constituents from Pembroke, Petawawa, Beachburg, Eganville, which reads in part:

"Whereas in our opinion the majority of Ontarians believe that the privileges which society accords to married heterosexual couples should not be extended to same-sex relationships;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request that the Legislature do not pass into law any act to amend the Ontario Human Rights Code with respect to sexual orientation or any similar legislation that would change the present marital status for couples in Ontario."

JUSTICE SYSTEM

Mr Chris Hodgson (Victoria-Haliburton): I have a petition signed by over 575 people from the province of Ontario:

"Whereas we the citizens of Ontario agree that the clear dealings between the present justice system and the public establish a positive relationship for all concerned; and

"Whereas one building block of such a relationship is a fair and accurate way of dealing with habitual child sex offenders;

"We, the undersigned, petition the Parliament of Ontario as follows:

"We believe that one way of dealing with convicted habitual child sex offenders upon release that his/her photo and address be available to the public for a minimum of seven years in whatever area of the province he/she takes residence."

CASINO GAMBLING

Ms Christel Haeck (St Catharines-Brock): I would like on behalf of 100 residents of the peninsula, not only my riding but throughout the peninsula, to express their opinion that they, the undersigned, who are opposed to casino gambling, "request that the Legislative Assembly of Ontario not allow the city of Niagara Falls to become a candidate for a gambling casino unless there is broad-based, public support for such a facility, which we are requesting to be determined through a referendum vote by the citizens of Niagara Falls."

I support that petition and have affixed my name to it.

SEXUAL ORIENTATION

Mr John C. Cleary (Cornwall): "We, the undersigned citizens of Canada, draw the attention of the House to the following:

"Whereas the majority of Canadians believe the privileges which society accords to heterosexual couples should not be extended to same-sex relationships; and

"Whereas societal approval, including the extension of societal privileges, would be given to same-sex relationships if any amendment to the Canadian Human Rights Code were to be included in the undefined phrase 'sexual orientation' as a grounds of discrimination;

"Therefore, your petitioners pray and request the Parliament not to amend the Human Rights Code, the Canadian Human Rights Act or the Charter of Rights and Freedoms in any way that would tend to indicate societal approval for same-sex relationships or homosexuality, including amending the Human Rights Code to include in the prohibited grounds of discrimination the undefined phrase 'sexual orientation.'"

I've also signed that petition.

WORKERS' COMPENSATION BOARD

Mrs Elizabeth Witmer (Waterloo North): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Ontario Workers' Compensation Board is in a state of financial crises; and

"Whereas the future benefits of injured workers are at certain risk; and

"Whereas the Premier ignored the advice from his own business advisers on his labour and management advisory committee to eliminate the unfunded liability and to ensure that the WCB does not negatively impact the competitiveness of Ontario business; and

"Whereas Bill 165 increases benefits at a time when the Workers' Compensation Board is experiencing negative cash flow;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario government withdraw Bill 165 and accept the responsible business recommendations provided to the Premier to ensure the sustainability of the workers' compensation system."

This has been signed by about 90 people.

MOTORCYCLE AND SNOWMOBILE INSURANCE

Mr Mike Cooper (Kitchener-Wilmot): I have a number of petitions here and I think this brings it to over 5,000 petitions now that we have received. It's to the Legislative Assembly of Ontario and it states:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario should study the feasibility of launching public motorcycle and snowmobile insurance."

HEALTH INSURANCE

Mrs Barbara Sullivan (Halton Centre): I have a petition signed by hundreds of people from across the province who join with those who met on the steps of the Legislature today in petitioning the Legislative Assembly of Ontario as follows:

"Whereas the Ontario government has announced its intention to reduce emergency coverage for out-of-country health care on June 30, 1994;

"Whereas the citizens of Ontario are entitled to health coverage no matter where they are with payment made on the basis of the amount that would be paid for a similar service in the province;

"Whereas the Canada Health Act entitles all Canadians to health care on an equal basis;

"Whereas this decision by the Minister of Health is in direct contravention of the Canada Health Act;

"We, the undersigned, petition the Legislature of Ontario to ensure the Minister of Health follow the provisions of the Canada Health Act and prevent further erosion of our health care system in Ontario."

I heartily endorse this petition and have affixed my signature to it.

Mr David Tilson (Dufferin-Peel): I have a petition addressed to the Legislative Assembly of Ontario, and it's signed by a number of people in the town of Caledon in the county of Dufferin.

"Whereas the provincial government has slashed health coverage by 75% for Ontario citizens who are hospitalized out of the country; and

"Whereas this will mainly affect the seniors who travel south in the winter for health reasons; and

"Whereas this is an indisputable violation of sections 7 and 11 of the Canada Health Act; and

"Whereas Mike Harris of the Ontario Progressive Conservative Party makes the preservation of medicare a priority in his Common Sense Revolution policy document;

"We, the undersigned, petition the government of Ontario to act in a fair manner by preserving the sacred principles of medicare and restore the out-of-country hospitalization coverage to the rates charged by hospitals in Ontario."

I have signed this petition.

TOBACCO PACKAGING

Ms Christel Haeck (St Catharines-Brock): On behalf of residents of St Catharines as well as Fonthill, I

would like to express their concern with regard to tobacco products. I'm not going to read all of the preamble, but the final be-it-resolved is:

"Therefore, we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

I concur with this petition, and I have affixed my signature in agreement and for submission.

JUSTICE SYSTEM

Mrs Joan M. Fawcett (Northumberland): I have a petition to the Legislative Assembly of Ontario.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To protect our children by changing the current maximum penalty of 10 years, for sexual interference, to a minimum of five years, with mandatory counselling, and up to and including life imprisonment as a maximum penalty."

I have signed the petition.

TOBACCO PACKAGING

Mr Chris Hodgson (Victoria-Haliburton): I have a petition signed by over a score of residents from around my riding, and it has to do with the petition to the Legislative Assembly of Ontario in support of plain packaging of tobacco products. I won't read the whole preamble. It's:

"Therefore, we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

INTRODUCTION OF BILLS

LIONS CLUB OF KINGSVILLE ACT, 1994

On motion by Mr Crozier, the following bill was given first reading:

Bill Pr125, An Act to revive The Lions Club of Kingsville.

ELECTRICAL CONSTRUCTION ASSOCIATION OF HAMILTON INC. ACT, 1994

On motion by Mr Abel, the following bill was given first reading:

Bill Pr126, An Act to revive Electrical Construction Association of Hamilton Inc.

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ORDERS OF THE DAY

House in committee of the whole.

RETAIL SALES TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR LA TAXE DE VENTE AU DÉTAIL

Consideration of Bill 138, An Act to amend the Retail Sales Tax Act / Projet de loi 138, Loi modifiant la Loi sur la taxe de vente au détail.

The First Deputy Chair (Ms Margaret H. Harrington): We are now resuming the committee of

the whole House dealing with Bill 138 and we are at section 5 of the bill. We have a government amendment, and I believe the last person who was dealing with the bill was Mr Johnson, Don Mills. Is he available?

Mr David Johnson (Don Mills): He's not only available; he's present. This bill was being debated some time ago. I can't even recall now, Madam Speaker: Do I call you Madam Chairman or Madam Speaker at this point?

The First Deputy Chair: Madam Chair.

Mr David Johnson: The particular section we're talking about pertains to a tax on the you-brew industry. It had been the intention of the government to implement a 26-cent-per-litre tax on the you-brew industry. In fact that was levied as of June—well, let me see. That was levied last year, and the intent was to increase the levy this month to 31 cents and next year to 38 cents. Apparently we have an amendment by the government now to forgo the latter two price increases and, in addition, to cut in half the original tax on the you-brew industry.

The you-brew industry pertains to those small business people who run businesses whereby people come and brew their own beer or make their own wine. The problem that we have brought to the attention of the government, indeed many people have brought to the attention of the government, is that because of the tax, there have been a great many business failures in the industry.

My recollection is that of some 220 or 230 businesses within the province of Ontario, some 30% or 40% have failed primarily because this tax was implemented in the first place. What happened then was that people who would use the services of the you-brew industry found that with the tax the product was not competitive and they lost interest. Certainly the patronage of the you-brew industry went way down and the revenues went down and people went bankrupt.

I don't know if the government has any statistics in terms of how many businesses have gone bankrupt precisely at this moment—I suppose it changes from month to month—but it indicates the impact of taxes on the small business community in the province of Ontario and it illustrates again that if we heap taxes on taxes on taxes the business community cannot respond and ultimately they collapse under the weight of taxes. That's what has happened to the you-brew industry in the province of Ontario, unfortunately.

Fortunately, in this case the government did recognize the error of its ways and has decided at least to cut back on the taxes. I suppose there would be many small business people out there who would say, "You could go the whole distance and eliminate all of the tax," but at least this is one step in the right direction. I think that's what we were debating when we last met to deal with this particular issue several weeks ago.

I would pose a question to the parliamentary assistant who's in attendance today. At this point in time does he have statistics in terms of the actual numbers of businesses that have failed in the you-brew industry? I believe it would be some 30% or so of the small busi-

nesses across the province of Ontario. What number have failed.

Mr Anthony Perruzza (Downsview): What do you know about the you-brew industry?

Mr David Johnson: —and is this a recognition—

Mr Perruzza: You're always quoting numbers that never, never have a good source.

Mr David Johnson: —over the heckling, Madam Chairperson, that the government is recognizing the impact of taxes on the small business community?

Further, in terms of the employer health tax, where we've taken a holiday in the 1994 budget, is this a further recognition that we need to reduce taxes in the province of Ontario to allow business to grow and that the business community is smothering under the taxes we have in the province of Ontario? I pose that question to the parliamentary assistant and await his response.

Mr Kimble Sutherland (Oxford): Let me just say a couple of things in response to the member for Don Mills. First of all, he suggests that maybe all the tax should be taken off. The question I would come back to him with is: Does this mean the Progressive Conservative or the Mike Harris party's view on taxation on alcohol has changed, given that many of our taxes on alcohol were implemented by Progressive Conservative governments over the years, and therefore you-brew somehow shouldn't have any taxes at all?

The purpose of making the change was that there is recognition upon the government that sometimes in terms of new industries developing, which this one is, in terms of being a bit of a niche business development, sometimes it needs a little more time to establish and be a little stronger. So the government has acknowledged the concerns raised by the you-brew association.

I should say, though, from some of the information I have, that the figure Mr Johnson cited, about 30% failure, is not quite accurate. In fact, the failure rate is lower than that in you-brewns.

I should tell him too that when you look at all small businesses in general and what their failure rate is in the first year, you-brewns have not been much different than what goes on in other small businesses. So to say that all these you-brewns have closed solely because of the tax implemented would not hold up, given the evidence of the failure of other types of small businesses in their first year.

1520

The First Deputy Chair: Are there any further questions or comments to Mr Sutherland's amendment?

Mr Chris Stockwell (Etobicoke West): Having listened carefully to what you said, why in fact is your government withdrawing that bill then?

Mr Sutherland: Obviously the member for Etobicoke West wasn't listening that closely as I explained. We're talking about a whole new industry, and obviously there are always challenges faced by new industries in their growth stages and initial stages. The Ministry of Finance has recognized the concern that has been expressed about this specific industry and has decided to reduce the

amount of tax at this time to allow the industry to grow a little more and become a little more stable.

The First Deputy Chair: Any further questions or comments to this amendment?

Mr Stockwell: If I get up, you don't have to keep repeating that.

It appears to me you're sucking and blowing on this one, member for Oxford. Let's just recap your point of view. You're telling me this is a fledgling industry that needs help and doesn't need tax implications applied against it in its initial stages of operation. Then you say in the next breath the failure rate of this particular industry is not much different than any other industry that's in a fledgling stage.

The question becomes, if their failure rate is no different, why do you have to give them an incentive by withdrawing the tax that you thought was a good idea a year ago, when you told us a year ago it would only be a fair tax considering the free ride they're getting compared to the breweries?

Now, through you, Madam Chair, to the parliamentary assistant—

Mr Sean G. Conway (Renfrew North): "Madam Chair." You're politically correct.

Mr Stockwell: Yes. Madam Chair, through you, to the parliamentary assistant: It's one or the other. Either you're withdrawing this tax because it's onerous and too many businesses were going out of business or you don't need to withdraw the tax because the number of businesses that were going bankrupt was pretty much the same as any other fledgling industry. Tell us which it is. You can't have it both ways, and you've argued one side against the other. You've got to get your story straight here.

Mr Sutherland: First of all, let me say too that even with the tax as originally proposed, you-brews still had a significant price advantage over store-bought beer. The facts speak for themselves in terms of what their costs were.

What I was trying to say in terms of explaining the failure rates, talking about general failure rates of new small businesses, is that we're talking about an overall new industry, a new niche industry, and in terms of that there has been recognition on behalf of the government that it wants to provide some support for the industry and we're responding to the concerns they have raised.

I would hope the member for Etobicoke West would recognize that fact and show some appreciation for that, that we have listened to the concerns of the industry and have responded.

The First Deputy Chair: Any further questions, and maybe not the same question. Any further questions?

Mr Stockwell: Madam Chair, I don't ask you to grade the questions, I just ask that you chair the meeting, and the question still isn't answered, with all due respect, through you.

The question is, as I put to the parliamentary assistant, I'm not going to applaud you and the action you took in taxing the you-brew industry because you said you've

learned and you listened to the industry after you implemented the tax.

Talk about a shortsighted, narrow-minded tax policy. You ruined businesses and potentially ruined people. We had the member for Wellington stand in his place and tell us about one couple who lost literally \$100,000, who were in financial ruin, and you want me to congratulate you for figuring this out after the fact when you were warned very clearly before you implemented this tax measure that this was the wrong thing to do to this industry, you were going to ruin people and bankrupt them. Then you have the gall to stand in this House and say: "Why don't you congratulate us, because we're not quite as dumb as you thought we were. We learned our lesson a year later."

Now, Madam Speaker, I don't think that was a question. That was more of a comment, and maybe he can respond. But don't look for applause. Don't look for someone to pat you on the back because you bankrupt people in this province because of your shortsighted tax policy. Then you come back a year or so later and say: "Yes, we were wrong. We're not going to admit it. We're going to claim some marginal statistic or we're going to talk about some tax program in another province."

You're clearly wrong, coming back today and withdrawing this tax, because it was proven categorically that you were wrong by driving these people out of business. These people aren't looking to pat you on the back; they're looking for their significant investment that they made that you stole from them with a shortsighted, narrow-minded tax policy, the only interest in which was to grab as much money from the beleaguered taxpayer as you could grab. Come back a year later and look for applause? That's disgusting.

Mr Sutherland: If I could just respond, the member for Etobicoke West is trying to say that any bankruptcy that has occurred in this industry is a result of the tax increases that have been implemented. What I was trying to say earlier, and maybe I wasn't clear enough, is that you cannot establish for sure that the tax was the only reason these businesses have gone under. You cannot say that for sure because, as I said earlier about failure rates for small businesses in general, some of these may have gone under anyway.

In terms of new industries starting, sometimes the growth rate may be too quick, there may be too many, too much competition. All I was trying to point out was that for the member for Etobicoke West to say that the reason these businesses have gone under is solely because of this tax is just not the case, and he can't substantiate that.

However, I will admit that the industry has provided the Minister of Finance with some arguments that express concerns about the longer term; so what we've done is decide to not implement some of the future increases in taxes. There are still going to be some taxes in place, because this province has always had a policy, in terms of trying to promote responsible drinking, of having taxes on just about all forms of alcohol that are sold in the province.

Mr Dalton McGuinty (Ottawa South): I want to

raise another issue. This has been labelled a sales tax. I would ask the parliamentary assistant to help me and the customers of you-brews understand why we are calling this a sales tax when, within any reasonable definition of the word, there is no sale taking place here.

A customer at you-brew premises first purchases the ingredients, and on those ingredients he or she pays a provincial sales tax. The customer also pays a tax, the GST, on the service component. The customer then mixes those ingredients together and at some point is asked to pay an additional tax. It's called a sales tax, but there is no additional sale taking place.

What I'm asking the parliamentary assistant is why he can call this a sales tax when there is no additional sale taking place.

Mr Sutherland: I didn't hear all the details of the member's comments, but I think what he was trying to ask is, why are we calling this a sale when no sale really takes place?

If you look at how a you-brew operates, in effect they are operating a brewery, except they are operating a brewery in a different system. Basically, they're allowing you or anyone who comes in as a customer to rent their brewery to carry out some of the brewing process. While you do some of the work, there's still a brewery process going on similar to any other type of brewery.

Mr McGuinty: With respect, the parliamentary assistant has not answered my question. The question, again, is, where is the sale that is taking place upon which this tax is based? When you buy the ingredients, you pay provincial sales tax. When you purchase the service, you pay goods and service tax. After you mix these goods together, at some later date you return and you are hit with another tax, but there is no additional sale taking place. So my question again is, why are you calling this a sales tax when there is no sale taking place?

Mr Sutherland: Again I would just say that there is rental of equipment going on here, and that is where the tax is being applied.

1530

Mrs Margaret Marland (Mississauga South): I would like to ask the parliamentary assistant whether his government looked at the impact of this new tax before they introduced it a year ago.

Mr Sutherland: I don't have that information before me, as to what information went into the decision to implement the initial amounts that were put forward on this tax, but as the Minister of Finance indicated when he made the decision to lower the tax on produce-your-own beer and wine, they had consulted with the industry, had been monitoring it, as had been asked for by the industry, and some impacts of that and future impacts of new increases were taken into account in the decision that was made.

Mrs Marland: You're saying some decisions were made on the impacts since the implementation of the tax. My question is whether there was some consideration made after the implementation. Obviously, with all the petitions and all the letters and all the telephone calls from these small business people around the province,

you would have been forced to give some further consideration to this tax.

In my own riding, I had you-brew businesses open which have now had to close, so your lifebelt at this point, a year later, is too late for a lot of those businesses. If you look at the margin of profit they make, you would understand why any additional tax—as has been said, they're already paying taxes—was a penalty. It was punitive to small business and therefore it was punitive to the people who live in this province who chose that kind of brewing.

You said you've considered the impact and that's why you're making the revision now. I want to know so I can tell these people. Either you considered the impact before you implemented it in the first place or you didn't. The point is that if we are dealing with this matter now, it has to revert back to, what was your decision before it was implemented in the first place? You obviously now are saying, "We're going to amend it." How does this work? Does it mean that you only change something after the impact has been felt and after thousands of small businesses have been put out of business and you've got the phone calls and the letters and the petitions? Is that the only time you react? If you hadn't got the outcry from the public about yet another form of tax, would you have this amendment on the floor today? I need to know how you make those decisions.

Mr Sutherland: The member from Mississauga has been around this House long enough to know how a budget-making process occurs. She also knows full well that in terms of tax measures, the Minister of Finance cannot be releasing those measures ahead of time before a budget comes in, or else the member from Mississauga would probably be one of the first ones demanding the resignation of the Minister of Finance if that information did leak out.

And the member from Mississauga is getting into hyperbole again when she says thousands of businesses have gone under as a result of the tax being brought in. First of all, there aren't even 1,000 you-brews in the province to begin with. Second, as I mentioned earlier, the percentage of you-brews that have gone under is relative to the failure rate for any type of small business in the first year.

The member may be trying to say she doesn't know what the process is, but I think she's not being quite frank with everybody here, given the fact that the member has been in this House for quite a while and is very experienced with what a budget-making process is all about.

Mr David Johnson: This issue is being raised because it is an issue of concern. Within this bill there are two examples that are very worrisome for the members on this side of the House. One is the tax on the you-brews that was put in place, it appears, without proper analysis. The tax was put in place to generate a certain amount of revenue, \$5 million in 1993 and \$10 million on an annualized basis, I think was the assumption. But because so many businesses went bankrupt, of course the amount of revenue generated was a fraction of that.

It appears that the analysis was not in place and

consequently the impact was greater than anticipated and it didn't work. Now you're recognizing it and you're responding, and we give you credit for responding. But the question is, in the first place—

Hon Bud Wildman (Minister of Environment and Energy and Minister Responsible for Native Affairs): Just vote for it then.

Mr David Johnson: Just vote for it? Well, that's fine. But what about, in the first place, the analysis that took place? There are other bills that are coming forward and we want to be assured that the analysis on a tax increase is done properly.

The second example I can give you in this bill is the tax on dirt and gravel and products that go into road-making and that sort of thing. In this bill, the provincial sales tax was applied to dirt, gravel etc. In the subsequent budget, in the 1994 budget, the tax has been eliminated on the delivery side. Apparently, here is a second case where a tax was implemented, yet the analysis was not done to recognize that the way the tax was implemented was not manageable. Apparently, what you found in terms of the delivery charges on dirt, for example, is that you simply could not administer or manage that. That's the second example where you've had to backtrack.

It raises the question about the thought and the analysis that go into these taxes in the first instance. That is a serious concern to us in the Progressive Conservative Party and I'm sure that's a serious concern to the people of the province. Why didn't further thought and further analysis go into this in the first place so you wouldn't be backtracking on both of those items here today in this bill?

Mr Sutherland: We could sit here all day and say: "Why wasn't it done this way? Why wasn't it done that way?" The third party has been constantly saying, "We want to lower taxes." We have an opportunity to do this here and all they want to do is talk about it. They don't want to get on with the actual lowering of the tax. I think it's time for them to stand up and put up, where they've been talking a great deal. Let's get on with doing the amendment.

The First Deputy Chair: Any further questions or comments?

Mr David Johnson: Yes.

Hon Mr Wildman: What is this, a filibuster?

Mr David Johnson: No, it's not a filibuster, but I do have to correct one statement that was made. We are not lowering a tax through this bill. The tax that was in place before this bill came along was zero. Let's get that straight. Now, instead of imposing a 26-cent-per-litre tax through this bill and its amendment, you are imposing a 13-cent-per-litre tax. Let's be correct about that. Your amendment is introducing a lesser tax than you would have introduced otherwise, but you are still implementing a tax through this bill. Let's be straight on that. Let's not say we're cutting taxes. We're going from zero cents a litre to 13 cents a litre through this bill and its amendment. I think you owe that to the people of Ontario.

1540

Mr Sutherland: If the member for Don Mills is

implying that it's the new policy of the Mike Harris party that it no longer supports the concept of taxation on alcohol as a way of promoting responsible drinking, no taxation at all—let's be clear; that's what the member for Don Mills has just implied by his comments, that there shouldn't be any tax whatsoever on this portion of alcohol—if that's the new policy of the Mike Harris party, then clearly state that. Come out and let everyone know that's what the new policy is.

As I said earlier, I'm not as old as some members in this House, but I do recall that in budgets under the Tory government taxes on alcohol were put up, and the justification at the time was that this would help deter irresponsible drinking. If the Mike Harris party has changed its mind, he should just clearly state that.

Mr McGuinty: I want to take the opportunity to inquire of the parliamentary assistant what precisely the policy is which informs this particular provision in the Retail Sales Tax Act. If I am to make beer or wine at a you-brew, I'm now going to pay a new tax I didn't have to pay before. We're calling it a sales tax, even though no sale is taking place, because I'm paying PST on the products I buy and I'm paying GST already on the service component. So there's no sale taking place, but I'm going to be paying what the minister is calling a sales tax. If I make that in my neighbour's basement, that's not subject to any tax, and if I make it at home, it's not subject to any tax either.

What I want the parliamentary assistant to do for me is to distinguish between those three possible locations for making beer or wine and to tell me how he justifies taxing only the location where the people who are operating it happen to be doing so for the purpose of making money.

Mr Sutherland: Let me say again, this bill has nothing to do with taxing people who make beer and wine in their own homes. They will remain tax-free. I imagine some of the equipment they purchase to do that, though, is taxable and they do pay tax on some of that equipment, as well as some of the ingredients they pay for.

I assume if they're doing it in their neighbour's place that is quite all right, provided their neighbour isn't charging them. Someone can correct me if I'm wrong, but if the neighbour was charging them for that product they were making, I think that would go against the laws of the province of Ontario.

Mr McGuinty: I just want to pursue that a bit further. If I buy those ingredients at the you-brew and pay my provincial sales tax on them and I take them home and I mix them there, I'm not paying a tax after I've mixed them there. But if I mix them at the you-brew, I'm paying a tax on a sale that isn't taking place.

This sale really is, and I'm sure the parliamentary assistant is going to want to admit this, purely a fiction. There is no sale taking place here. I want the parliamentary assistant to distinguish for me. If I get those ingredients there and I bring them home and mix them or I keep them at the you-brew and mix them there, why is it that I'm paying a tax at one location and I'm not at the other, even though at either location there's no sale taking

place? I've already paid my sales tax when I bought the ingredients.

Mr Sutherland: Let me say to the member that there have been and continue to be many examples where people pay provincial sales tax on a rental-type service.

Hon Mr Wildman: Renting a car.

Mr Sutherland: For example, renting a car, as my colleague the member for Algoma mentions. In this case, what you're doing is renting the facilities to mix the beer, the facilities provided by the you-brew. In terms of paying tax on the rent, for lack of a better term, you are really renting the equipment provided by the you-brew.

The First Deputy Chair: Any further questions or comments regarding Mr Sutherland's amendment? Seeing none, shall Mr Sutherland's amendment to section 5 of the bill carry? Carried.

Shall section 5, as amended, carry? Carried.

Are there any questions, comments or amendments for sections 6 through 27 of this bill? Are there any questions, comments or amendments to the remaining sections of this bill?

Mr David Johnson: I thought you were going to go through them clause by clause or section by section.

Hon Mr Wildman: That's what she just said.

Mr David Johnson: All right. Subsection 9(2): As I understand it, this is the section that deals with the soil, clay, sand and gravel.

The First Deputy Chair: Excuse me, Mr Johnson. I'd like to first deal with sections 6, 7 and 8, and then we'll get to section 9.

Shall sections 6, 7 and 8 of the bill carry? Carried.

Mr Johnson, a question or an amendment?

Mr David Johnson: A question. In terms of subsection 9(2), which I alluded to earlier, one year ago the government introduced the provincial sales tax on soil, sand, gravel and clay. That applied to not only the product itself but the delivery charge, everything associated with the product. Now, one year later, apparently this has been unmanageable, at least the aspect that deals with the delivery charges.

I wonder if the parliamentary assistant would tell us what happened over the last year such that the government reversed its field. We certainly agree with taking off the sales tax from the delivery charge, although you're not doing it in this bill. I guess the second point is that perhaps an amendment should be brought forward to do that in this particular bill right now. Were you going to do that or were you going to wait until some subsequent opportunity?

Mr Sutherland: To respond, first of all, to whether an amendment should be brought forward to this bill, if we go back and look in Bill 160, which we were debating yesterday, I believe it deals with the concern about the change that was announced in the 1994 budget regarding the delivery charges.

The member for Don Mills asks, what was the concern? I'll explain to him what the concern was. Those companies that, for example, did both sand and gravel—in other words, they had their own gravel pits and had

contracts with individual companies or municipalities—because they own the sand and gravel and they were also delivering, they had to pay sales tax. But if someone else contracted simply to deliver the sand and gravel—in other words, they didn't own any sand and gravel of their own but just had a straight delivery contract—they didn't have to pay sales tax.

That was creating a great deal of concern and problems and inequities for those sand and gravel companies that have always delivered the sand and gravel as well. Those concerns had been raised to the Minister of Finance. They'd been raised to individual members. I had a few in my own riding who raised that concern with us. They felt the way it was brought in made it unfair and was hurting some of their longer-term employees who had been driving the trucks, delivering the sand and gravel for many years. They were losing out on a lot of contracts, particularly those who were servicing municipalities. That is why the Minister of Finance brought in that change.

1550

Mr David Johnson: I thank the parliamentary assistant for that explanation. I thought it was probably something to do with that.

My concern is with regard to where the amendment takes place. Bill 160, of course, is an omnibus bill with some 17 different acts, I think, and 18 sections. We don't know exactly what the fate of that bill is going to be. There are some very contentious aspects. This would be a great opportunity right here this afternoon to put in that amendment to take the tax off the delivery charges.

But getting back to your major point, it's good to see you responding to business, but don't you think you should have done that in the first instance? The situation you describe, it doesn't take a rocket scientist to see that that kind of situation could come up. That's fairly basic, and a little bit of analysis would have identified that problem in the first instance. It raises the concern on this side again that these taxes are thrown in without much thought and then it's simply up to the business community to identify the problems after the fact, after they've suffered through the tax, and then hope that the government responds.

Apparently, in this case, the government has responded, but it gets back to the same issue of the thoroughness of the analysis.

Hon Mr Wildman: We listen.

Mr David Johnson: You listen but you listen after the fact. Why don't you give some thought before the fact so that people aren't put to the hardship of a tax that doesn't make any sense and causes severe difficulties in their particular industry?

Mr Sutherland: Just to respond to the member for Don Mills, I think the complication came up in this specific area because, as a general rule, I believe, in terms of paying sales tax, other types of companies that may own product and actually deliver the goods have to pay sales tax. It's not something that just applies to sand and gravel. I don't know for sure, but I'm assuming that type of policy has been in place for many years about those who own the product, produce the product and also

deliver it paying the sales tax.

The application was also made here that some of the ownership for that problem, I guess, would go back to whichever government may have implemented that policy in the first place, which very well may have been the Conservative government.

Mr Stockwell: I'd like the parliamentary assistant to review what he just said. I'm completely at a loss as to what that has to do with anything we've been talking about. Please restate what your argument was.

Mr Sutherland: What I was trying to say was that from my understanding of the situation, it had been common practice that on those types of companies, not only on sand and gravel but on other forms of companies that may own a product and then deliver or produce it, application of sales tax on the delivery may apply. In terms of developing this policy, the same policy in terms of application of sales tax on delivery was put forward, and that may be where some of the problem arose.

The member for Don Mills was trying to say the thorough analysis hadn't been done, saying that this general policy about where sales tax applies on delivery of goods owned by a company may go back to whoever implemented that policy in the first place, which very well may have been the Progressive Conservative government.

Hon Brian A. Charlton (Government House Leader): It's not the job of this committee to do your homework for you.

Mr Stockwell: I understand that. I think that's a very good point, I say to the House leader for the government. I don't think it's up to this committee to do your tax policy work for you either. Possibly, if you had investigated these programs before you implemented the tax, you wouldn't have the embarrassment of coming back to this Legislature with your tail between your legs and withdrawing taxes that clearly were not sensible in the first place.

I say the same to you, Mr House Leader. Before you come back to this committee and start caterwauling at us for not doing our homework, maybe you should do a little tax policy homework before you implement them and you wouldn't be embarrassed to come forward here and withdraw taxes that should never have been put in place in the first place.

I say to the parliamentary assistant, it would probably be better if somebody could give us an example of a situation that's applicable, as is the case with the sand and gravel situation. I'd be very curious to hear of a situation where if you own the product and deliver the product, you're not subject to the same tax as if you're just delivering the product. If you could give us an example of that, that would be very interesting, because I certainly can't think of one. If we introduced that particular policy, I'd be very interested in seeing where, because I can't think of an instance. I turn to the critic of our party and we can't come up with an instance where if you own the product and deliver it, you're not subject to the same tax as the person who simply just delivers the product.

Secondly, can you give us an example of the kind of onerous tax position this put those companies in that were just delivering these products? Did you drive any of them out of business with your shortsighted tax policy? Did you cost how many jobs in the industries out there because these companies were no longer competitive and subject to a tax implication that other companies weren't subject to?

Surely, your ministry must have done some examination of this, because it wouldn't be coming forward in the embarrassing situation of having to fix this tax mistake without obviously having some pressure brought to bear by companies that brought forward example after example where they didn't get contracts they would have got had they not had to subject those contracts to taxes that others didn't.

I think it'd be interesting because I think it's a good reason or a good example why tax policy is maybe the most important policy, because mistakes cost people jobs and businesses, and maybe you could give us not only an example of that but also an example where apparently you can own a product and deliver it and not be subject to the same tax as just someone who delivers the product.

The First Deputy Chair: Are there any further questions or comments to sections 9 through 27?

Shall sections 9 through 27 carry? Carried.

Shall the title of the bill carry? Carried.

Shall I report the bill, as amended, to the House? Agreed.

Hon Mr Charlton: I move that the committee rise and report.

The First Deputy Chair: Is it the pleasure of the House that the motion carry? Carried.

The Acting Speaker (Ms Margaret H. Harrington): The committee of the whole House begs to report one bill with a certain amendment and asks for leave to sit again. Shall the report be received and adopted? Agreed.

ORDERS OF THE DAY

Hon Brian A. Charlton (Government House Leader): We're going to be doing a series of private bills, both on second and third reading, by consent.

CITY OF HAMILTON ACT, 1994

On motion by Mr Abel, the following bill was given second reading:

Bill Pr24, An Act respecting the City of Hamilton.

The bill was also given third reading on motion.

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CANNETO SOCIETY INC. ACT, 1993

On motion by Mr Mammoliti, the following bill was given second reading:

Bill Pr53, An Act to revive The Canneto Society Inc.

The bill was also given third reading on motion.

TOWN OF NAPANEE ACT, 1994

On motion by Mr Paul R. Johnson, the following bill was given second reading:

Bill Pr70, An Act respecting the Town of Napanee.

The bill was also given third reading on motion.

CITY OF KITCHENER ACT, 1994

On motion by Mr Cooper, the following bill was given second reading:

Bill Pr95, An Act respecting the City of Kitchener.

The bill was also given third reading on motion.

HAMILTON AND REGION ARTS COUNCIL ACT, 1994

On motion by Mr Abel, the following bill was given second reading:

Bill Pr96, An Act to revive The Hamilton and Region Arts Council.

The bill was also given third reading on motion.

CITY OF OTTAWA ACT, 1994

On motion by Mr Grandmaitre, the following bill was given second reading:

Bill Pr98, An Act respecting the City of Ottawa.

The bill was also given third reading on motion.

EDEN COMMUNITY HOUSE OF TORONTO ACT, 1994

On motion by Mr Mammoliti, on behalf of Ms Akande, the following bill was given second reading:

Bill Pr99, An Act to revive Eden Community House of Toronto.

The bill was also given third reading on motion.

COUNTY OF ESSEX ACT, 1994

On motion by Mr Hayes, the following bill was given second reading:

Bill Pr103, An Act respecting the County of Essex.

The bill was also given third reading on motion.

TOWNSHIP OF TAY ACT, 1994

On motion by Mr Hayes, on behalf of Mr Waters, the following bill was given second reading:

Bill Pr105, An Act respecting the Township of Tay.

The bill was also given third reading on motion.

COUNTY OF VICTORIA ACT, 1994

On motion by Mr Hodgson, the following bill was given second reading:

Bill Pr106, An Act respecting the County of Victoria.

The bill was also given third reading on motion.

COUNTY OF ESSEX

LOCAL MUNICIPALITIES ACT, 1994

On motion by Mr Hayes, the following bill was given second reading:

Bill Pr108, An Act respecting the County of Essex and the Local Municipalities in it.

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OAKTOWN PROPERTY

MANAGEMENT LIMITED ACT, 1994

On motion by Mr Mammoliti, on behalf of Ms Akande, the following bill was given second reading:

Bill Pr111, An Act to revive Oaktown Property Management Limited.

The bill was also given third reading on motion.

TOWN OF PICTON ACT, 1994

On motion by Mr Paul R. Johnson, the following bill was given second reading:

Bill Pr112, An Act respecting the Town of Picton.

The bill was also given third reading on motion.

HAMILTON COMMUNITY FOUNDATION ACT, 1994

On motion by Mr Abel, the following bill was given second reading:

Bill Pr114, An Act respecting Hamilton Community Foundation.

The bill was also given third reading on motion.

WORKERS' COMPENSATION AND
OCCUPATIONAL HEALTH AND SAFETY
AMENDMENT ACT, 1994LOI DE 1994 MODIFIANT LA LOI
SUR LES ACCIDENTS DU TRAVAIL ET LA LOI
SUR LA SANTÉ ET LA SÉCURITÉ AU TRAVAIL

Ms Murdock, on behalf of Mr Mackenzie, moved second reading of the following bill:

Bill 165, An Act to amend the Workers' Compensation Act and the Occupational Health and Safety Act / Projet de loi 165, Loi modifiant la Loi sur les accidents du travail et la Loi sur la santé et la sécurité au travail.

The Acting Speaker (Ms Margaret H. Harrington): Would you care to make some comments, Ms Murdock?

Ms Sharon Murdock (Sudbury): I'm very pleased on behalf of the government today to be discussing what I think is major reform to an act that all stakeholders who participate in the Workers' Compensation Board have been claiming for years is in sad need of repair. Both the employers and the workers who have to use the board are always bamboozled by the process they have to go through.

I think it was agreed in 1914 when the act—

Mr Chris Stockwell (Etobicoke West): On a point or order, Madam Speaker: I think we should have a quorum.

The Acting Speaker: Would the clerk please determine if a quorum is present.

Acting Clerk Assistant (Mr Todd Decker): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Acting Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: The honourable parliamentary assistant to the Minister of Labour may continue her remarks.

Ms Murdock: As I was saying, the Workers' Compensation Act—by all the people who use it—is in need of change, and we had started a while back, in fact over two years ago, to discuss with the stakeholders some of the changes that we thought and they thought might be required.

It ended up that after all of that the Premier put together the Premier's Labour-Management Advisory Committee where we had major leaders in the business community and major leaders in the labour community sit down and tackle some of the problems around the workers' compensation system as they saw it.

What resulted from that initially was quite favourable. It looked like we were going to get an agreement between the two parties, the two major stakeholders groups, but unfortunately it didn't work out that way. Nevertheless, we utilized much of the information from

what I will call the PLMAC agreement, and they are seen in today's bill that we will be discussing both in second reading and later on in committee.

What I intend to do is to go through each of the amendments we've put forward in my 90 minutes that I'm allowed as first speaker for the government side. For those people who are interested, it may be very informative, and for those I'm sure it becomes quite complicated, and I'll try to keep it as simple as possible in laypeople's terms.

The first major change is found in section 1, which is that for the first time we will see in the Workers' Compensation Act a purpose clause. In that purpose clause and throughout all of the amendments and the intent of this legislation are three tenets that we intend to follow and we think the Workers' Compensation Act should be changing, that is, fair compensation, rehabilitation and return to work. If those three things are adhered to, we will end up, I think, with a system that works better for both the employers and the workers who are injured on the job.

The purposes have to be clearly stated and there has to be a balance between evaluating the consequences of the policies and programs that are initiated, so I will be cross-referencing in the legislation as well, but fair compensation to the worker who is injured and rehabilitation must be provided and also return to work. I can't stress the return to work enough.

There has been much conversation and I would say adversary concerns in terms of the financial responsibilities of the board. Some people have said that it should be addressed in this section, in the purpose clause of the act, and obviously we disagree with them or we would have included it. The reason is that this is the purpose of the act.

1620

In terms of financial accountability and responsibility, you will find them in the duties of the board of governors, for instance, and you will find them in other areas of the act, under another section, subsections 58(1) and (2). Then, again, there's also section 15. I will be speaking to those areas. But there is no question that there has to be accountability, so for those people whose main concern is the unfunded liability I would like to point out that it is going to be also of concern to us and will be addressed in the amendment.

I think that all people who have ever dealt with an injured worker, whether an employer, whether the Workers' Compensation Board, whether we as members in our own constituency offices, whenever we've dealt with an injured worker we all know rationally and cognitively that the most important thing is to get that worker back to work as fast as possible.

Speed is of the essence in all injury situations, it doesn't matter what they are. If you look at other systems in other jurisdictions such as New Zealand, they have recognized that if the worker is not back on the job within a year of the injury, then in all reality he or she will never get back to that particular kind of work.

If you can get your medical systems working with your

rehabilitation systems to get the worker back on the job and the employers working towards that goal, and the doctors are working towards that goal and the board is working towards that goal, then we should have a far better system. Hopefully, this will be the beginning, with an eventual conclusion that workers will be fulfilled and feel that they are doing a job worthy of their skills.

The key here is the return to work. The question under section 51 of the act being amended is the ability of that worker to return to work.

Mr Stockwell: On a point of order, Madam Speaker: If we're going to sit late, I think we should have a quorum to hear these comments.

The Acting Speaker: Would the clerk please determine if a quorum is present.

Acting Clerk Assistant: A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Acting Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: The member from Sudbury has the floor.

Ms Murdock: Section 8, which amends section 51 of the act, is the ability of the board, and the employer as well, to get medical information, with the consent of the worker, from the doctor. I would point out here that it is prognostic information. I know that there has been a lot of concern out there on the part of the employer in saying, "If the injured worker has to give permission, then nothing has changed," but that's not really true.

What happens is that now the employer can ask the doctor for the information that is relevant strictly for the return-to-work abilities. The doctor would only give any information that was relevant to the return to work or information that was relevant to changing the work site so that it will accommodate an injured worker to do a job with his injury or with a modification to his injury.

Section 51 of the act being amended will cover that. I don't think there's too much controversy on that, at least I would hope not.

On the next section, subsection 9(1), section 53 of the act is amended. I know people are going to get tired of hearing me say this, but it's really important that the key theme here is the rehab and the return to work and how employers and employees will have to work together for quick dispute resolution.

The board can review the work site and see whether or not the work site needs improvement to bring people back to work. The other thing is that the employers may not even recognize that they have a need for a vocational rehab situation within the workplace, and they can ask the board to come in and review the work site, see whether their services can be enhanced, improved or completely initiated.

I know there have been some conversations out there among the employer groups that they don't want the board having the right to go in and be able to do this, that it's an intrusion on their privacy. I think it's going to involve, on the part of all the players, a change in the

thinking about whether or not it is a helping situation, to look at it in terms of a helpmate situation rather than intrusive.

There will be, under these amendments, penalty assessment for non-cooperativeness, and I do talk about it later. However, right now under the act, when a worker comes into any of our offices, I'm sure even the opposition members' constituency offices, and tells them, "My benefits have been cut off because they claim I'm being uncooperative," that already exists under this act on the workers' side—has for years. What we're doing here is that there will be a provision within the legislation that will allow for an assessment to be made. The criteria have not been established yet. The amount of the assessment, how it will be assessed, when it would be assessed etc would all be determined by the board, again doing this through consultation with the stakeholders and only with the stakeholders. You can't do it without consultation, and you need that consultation between the employers, the workers, and see how you would assess in the end.

There's still a lot of work to do in that area, but it now allows that "uncooperative"—I put the word in quotation marks, for the benefit of Hansard. It allows the employer's side to have some obligation to put return-to-work and rehabilitation services on the work site. I think that's key.

As we move through the act, we get into a section 54 amendment, section 10. There's only one amendment in this section, and yet we got it directly from the Premier's Labour-Management Advisory Committee agreement. The PLMAC, as I said, will "determine whether the employer has fulfilled the employer's obligations to the worker under this section." I think that's more in keeping with what the whole intent of the Workers' Compensation Act was all about in the first place. It was for the benefit of the worker. It was for the benefit of the employer. They pay 100%, there's no question, and that was the intent when it was put in place, but it was for the benefit of the worker for an injury received. This now puts some obligations on the employers to see to it that the employees can be beneficial to the workplace.

The next section is very important because it changes the present act from one in which there are a number of members of the board to a new kind of board which will be bipartite, so you will have two groups, labour and management, both equally represented on the board. But it will also now change the governance in terms of what we presently call the chair and vice-chair. The CEO will be the president and the board shall be governed by a board of directors. This is going to be new and it is going to be different. "The board shall be governed by a board of directors," and the president shall manage. It's very, very important that this distinction be made.

1630

The other thing it will result in, we are hoping, and we are looking at past experiences in order to determine this—is it will be at arm's length from the administration of the board. The way we're hoping that's going to be done, and you will see, is that where the board is formed it will have its chair, and then they will, among them-

selves, hire a president, who will be the CEO of the operation. The administration will be done by the CEO, and the policies and directions will be set by the board of governors, so it will be separate and apart. In the past I think that has been a problem, not just while we've been in power but in previous governments, that it was very hazy in terms of who ran the place, between the chair and the vice-chair. I think this will make it much clearer.

The section where sections 58 and 59 of the act are going to be changed is the one we've been hearing a lot about from the employers' side because they think it should be under the "purpose" clause. I disagree. We will end up discussing it, I'm sure, in committee, with my critics from the Liberals and the Conservatives.

Section 58 clearly states the financial responsibility of the board of directors, which must "act in a financially responsible and accountable manner in exercising its powers and performing its duties."

And subsection 58(2): "The members of the board of directors shall act in good faith with a view to the best interests of the board and shall exercise the care, diligence and skill of a reasonably prudent person."

The employers' side, management, has argued that that isn't strong enough and that we should be making it very clear that if there are programs that are going to be determined and that have a cost to them, which most programs do, the financial considerations should be paramount, and this language does not say that directly. And you're right, Mr Speaker, it doesn't, nor should any board be fettered to that degree, that it would make a consideration between recognition of a disease, for instance, and how much it costs. They will have to do that themselves and determine whether the cost is prohibitive. But in my view, for any injury on the job—proven, of course—there has to be a cost and it has to be paid.

But I would point out too that later on in that section, if you look over at section 15 of the bill, subsection 65(3.2) of the act: "The board shall evaluate the consequences of any proposed change in benefits, services, programs and policies to ensure that the purposes of this act are achieved."

You can't just look in isolation at individual sections. As any lawyer will tell you, you will be looking at all of those and how they play with one another. The people who are going to be appearing before the committee and speaking to this should be looking at section 58 and section 15 in conjunction with one another.

Those sections I'm skipping are mostly housekeeping amendments and I'm not speaking to all of them, where now that the president is a new person under the act it'll be changing that language. I'm speaking to the substantive changes in the amendments.

Section 14, which changes subsection 63(2) of the act, is again on medical information. Employers will have direct access regarding the employee's return-to-work abilities. I think it bears repeating that earlier access is absolutely integral to the entire operation. And then, of course, worker's consent.

Section 15 is simply the quorum provisions.

When you move into 16, this is transitional. This is an interesting section, because it's only in operation for one year after the date of proclamation. It's transitional, mainly because the board has never been truly bipartite before. It is now. It is going to require some period of change and flux during this transition period, and the new governance structure I think requires some kind of, not supervision, but a way of keeping track of the situation while this is happening.

There are precedents. The Power Corporation Act, as the Lieutenant Governor in Council decided, and the OTAB also use this. I would say the whole session and the new governance provisions are going to require some kind of transitory supervision, and that's what this section does.

As we move into subsection 65(2), it's interesting, because we've not had any memorandum of understanding since 1982. That means the Conservatives didn't have a memorandum of understanding with the board, the Liberals didn't have a memorandum of understanding with the board, and we've been unable to negotiate and have one signed as well. The Provincial Auditor recommended that it should be legislated, and so we're following the Provincial Auditor's recommendations here.

It addresses the concerns of the business community. It's very important to them to have the accountability issue looked at within the legislation, and that's what this does. Within six months after this section comes into force, there must be a memo of understanding with the board and the government of the day. It also must be reviewed once every five years and done, which is absolutely imperative because, as I said, it has not been done since 1982.

When we move on to section 72 of the act being amended, the board will be required to provide mediation services. This has not been legislated before. It's certainly been available, but not been used. Again this is going to be very important for speedy and early return of workers to the job.

In this section, the board will be required to provide the services. The government is telling the board that return to work is absolutely integral and that the board must provide the services to both parties in the dispute, not just one over the other. It is going to be available to the injured worker, the deceased worker's spouse or dependant, and the employers; it's going to be available to anyone who objects to a vocational rehabilitation decision made by either the voc rehab worker or through the claims adjudication side. It will allow that if you don't like what's happening—employer, worker or otherwise—you can object to the board. There will have to be mediation within 30 days. At any point within that 30 days or up until that 30 days, you can object to what's happening there. If you do that, the board must make a decision within another 30 days. But in any case, it can be done sooner. It means that if there's a voc rehab decision, a re-employment obligation or a decision of a mediation officer—

Mr Ron Eddy (Brant-Haldimand): On a point of order, Mr Speaker: I really think it's essential to keep a quorum in the House. We shouldn't have to have a call

every few minutes for a quorum if there is not one.

The Deputy Speaker (Mr Gilles E. Morin): Would you please check if there is a quorum.

Acting Clerk Assistant: A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

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Acting Clerk Assistant: A quorum is now present, Speaker.

The Deputy Speaker: The member for Sudbury.

Ms Murdock: As I said at the beginning of my speech, the return to work is key, and this part of the amendments, in my view, is going to be absolutely essential in terms of expediting the voc rehab process.

Right now we have voluntary mediation. Many work sites are already using it, and quite successfully, I might add. In this instance, it is going to be required that the board provide those services. I know that I was asked about mandatory mediation and how that would work, but the reality is that it must be provided by the board.

It will cause both employers and employees to sit down and discuss what the work site is, how it might be better accommodated to suit the injury, and how the medical doctor could come in and explain to them how it might be accommodated. It will involve the board in terms of providing the services to assist the employer in doing that. In my view, I think not only will it result in better working relationships but it will also be a speedier process in getting the worker back on to the job and earning a living.

The next sections relate to crown liabilities and so on, which we will be changing.

The next part that I think is key and is of some concern to some of the employer groups is the section on how we are going to determine whether they are being cooperative in terms of setting up a rehab program or a return-to-work program. Those criteria have not been established yet. It will be done through consultation with all of the stakeholders. We'll consult and consult and consult as needed in order to set out something that's realistic.

Every work site is going to be different. The Incos of this world, which have been very, very good in their return-to-work programs and working with their unions in getting return-to-work programs in place, will not be like your smaller workplace with only 25 or 30 employees. Therefore, it's going to require a different kind and level of expertise. I don't think anyone would want to see the same criteria established for each and every single workplace in this province. It's going to have to be discussed to a great extent, and I think that's going to be important.

The part here that's in question by many is the experience rating program that exists now. There are some who think this section 103.1 eliminates it. I would say that, in my view, it doesn't lay out the criteria nor does it eliminate the experience rating, but it's adding to it. It's adding another dimension to the whole experience rating question.

In the existing experience rating—I know it's difficult for people out there to know what that is—employers pay a rate on every \$100 of payroll on the basis of their accident history, and they're in different schedules as to how risky their business is, I guess. What's going to happen here is that experience rating that's determined on how much they pay now will be modified to include how you're going to establish those merit rating programs for getting people back to work sooner, for promoting vocational rehab programs and reducing injuries and accidents in the workplace.

In my view, workers' compensation and health and safety are tied together and should be tied together, because it has been shown that if your health and safety are improved, your accident levels go down.

In my riding, if you look at the mining industry, it's a perfect example, because they have worked very hard. There are still way too many injuries, still way too many deaths in the mining industry. Nevertheless, when you look back just not all that many years ago and see how significant their changes have been in terms of their health and safety practices, in terms of their joint health and safety committees and how they've worked very hard to make sure that they work well together, I think what this is going to do is more of the same: open up the minds of workers and employers to change and change their mindset.

I'm going to read subsection 103.1(2), because I think it's important:

"(2) In determining whether a refund is available or the amount of a surcharge under a program, the board shall consider,

"(a) the health and safety practices and other programs of an employer to reduce injuries and occupational diseases;

"(b) vocational rehabilitation practices and programs of the employer;

"(c) practices and programs of the employer to assist workers to return to work under section 54; or

"(d) such other matters as the board considers appropriate."

It is not exhaustive. I expect that during the committee process, and I no doubt will hear from the opposition critics on this, there should be other criteria included. That's what the committee process is all about, so I'm hoping to hear some very good suggestions from both my opposition critics and many of the presenters who come before the committee.

The next section is going to be section 147 of the act, as amended to include a \$200-per-month additional payment to a worker who's receiving benefits if entitled under some of the other sections of the act. The people who are not going to be included are those who turned 65 on or before July 26, 1989. They're excluded from this provision, and that's the day of course Bill 162 came into being.

I think when the Premier's Labour-Management Advisory Committee met, in its report it was very clearly recognized that there was a need to redress the situation of the older unemployed injured worker. We see them

every year here on June 1, which is the anniversary date of the Union of Injured Workers. Too frequently in the past—I mean, there are changes—they're still bemoaning the same things.

Many of them are older Association of Commercial and Technical Employees workers, who end up barely eking out an existence, and this \$200 is going to change dramatically, I think, some of their lives. That \$200 is applied to the pension portion of what they're receiving from the board, and they will not be affected by the next section, which is 33, where what is called the Friedland formula is being applied.

There are exemptions under that formula. It will not be full indexation except for those who are receiving the \$200, those who are 100% disabled, those who are 100% receiving wage loss rewards. They will receive full indexation, and everyone else will be under an indexation formula that will be capped at 4%.

I think I've covered the major sections of the amendments. I'm looking forward to the debate, both in the House this evening and later on in committee. I'm hoping that everyone in the House will speak sagely to this and that we will move it quickly into committee so that we can get it through and start to meet with the stakeholders out there and have them make their presentations to us.

I want to thank all of the ministry staff who worked very hard on putting this together and have worked diligently, I think, for many of the committee meetings and many of the stakeholder meetings and the consultations that were done on this. I'm sure they will be taking diligent notes while they're listening to the member for Mississauga West and looking forward to being able to respond to any of the concerns that he might state in the House today.

I thank you, Mr Speaker. Let's get this into committee as soon as possible.

The Deputy Speaker: Questions or comments?

Mr Stockwell: It was an interesting speech and certainly informative.

Mr Steven W. Mahoney (Mississauga West): He didn't hear a word you said.

Ms Murdock: He didn't listen to a word, I know.

Mr Stockwell: Oh, sure I did. It was informative. It was riveting actually. That's the word I was looking for; it was riveting.

Mr Mahoney: Even they don't believe that.

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Mr Stockwell: What the member did not deal with, which I think most people would like to have dealt with and spoken about, is the unfunded liability. It was discussed briefly, I noticed, in the latter part of your speech, but we're talking about a huge sum of money that we owe that we just don't have. That unfunded liability is now costing taxpayers in the sense of the liability we have when folded into the Hydro debt and the provincial debt and the pension debt, unfunded pension moneys. For us to not deal with that with this piece of legislation—maybe it's the most important part of this piece of legislation.

I will say that you did take one step with respect to de-indexing the payments, but when you de-index the payments, you simply fob that off for the \$200-a-month process. So you didn't really save any money.

At the end of the day the best you can come up with is that by some miracle of miracles, they suggest, they've actually reduced the debt by \$18 billion when they haven't done that at all. They've reduced nothing. The debt will only increase at less of a rate than they expected it to increase, but we're still saddled with a huge government debt in unfunded liabilities in pension and in workers' compensation, at Ontario Hydro, in the government.

You know, talk about it. The record of your government, the legacy that you will leave, is going to be debt. That is going to be your record.

Mr Kimble Sutherland (Oxford): I want to commend the member for Sudbury for giving us a very informative overview of what is contained in this bill. The member for Sudbury is very experienced with issues of workers' compensation, not only being the parliamentary assistant to the Minister of Labour since 1990 with responsibility for compensation issues, but I know in her life before here she worked as a constituency assistant and dealt quite a bit with workers' compensation issues. She's extremely knowledgeable.

I want to pick up on the comments from the member for Etobicoke West. The reason I want to pick up on that is that I want to ask a question to the member for Sudbury as to what she thinks the impact would have been on premiums for WCB if in 1980, when the unfunded liability was only \$400 million, it had been managed effectively, rather than in 1985, at the end of the Tory time, when it was up to \$6 billion, and then of course by 1990, by the time the Liberals were out of there, it was up over \$10 billion. To the member for Sudbury, do you think WCB premiums would have been much lower if the previous government had found an effective way to manage the Workers' Compensation Board system?

We also heard, to the member for Sudbury, about our legacy. But then here we have a legacy of it being \$400 million in 1980 and then in 1990 being over \$10 billion. Who left the legacy, I guess is my question to the member for Sudbury, not only on that, but Ontario Hydro has a \$35-billion debt. How did these unfunded liabilities and all these pension plans come about? Could it have been that previous governments maybe borrowed at low interest rates from those pension plans? Who knows?

Mr Eddy: I welcome the opportunity to comment and I thank the member for Sudbury for her comments. But I do think there were shortcomings, and certainly the deficit of the Workers' Compensation Board is the most important issue at hand. I'm so pleased that we took the opportunity in this party to go out and hear what people had to say in order to come up with some good, concrete suggestions of how the system, which is so important to the workers in this province and indeed the employers in this province—to bring some good-sense solutions and recommendations.

I know we can all talk about who did what when in the

past. That's not the important thing. The important thing is for any new government to look at what's wrong and start immediately to change what's wrong and to improve it. The Workers' Compensation Board system was probably one of the most important things in the entire province because it affects so many workers, workers who certainly need the income and need to have the benefits of the Workers' Compensation Board. That should have been a priority.

I have to say we should have heard more from the previous speaker about the deficit, because as we rush on to bankruptcy in the province daily, hourly, with the money that is spent, this is going to be one of the very serious casualties in the province. That's the way I feel, because when you're creating deficit and adding to the debt every minute—what would happen to me personally if I did that is that I'd face bankruptcy. I feel so strongly about the debt.

Mrs Elizabeth Witmer (Waterloo North): I thank the member for her presentation. However, she probably understands that I would disagree with much of what she has said.

I am extremely concerned about Bill 165, because the government has failed to recognize the financial crisis that faces the WCB. We know the unfunded liability is at \$11.5 billion. Unfortunately, the proposal before us today is going to increase that unfunded liability to \$13 billion at least, and probably more, by the year 2014.

There was a plan of action put forward by the PLMAC business caucus to reduce and completely eliminate that unfunded liability by the year 2014. This is what other provinces in Canada are doing. They are taking action to eliminate or reduce the unfunded liability because they recognize, as we need to recognize, that if we continue to have unfunded liabilities of those massive proportions in our provinces, we could reach a point where the systems throughout Canada would be in bankruptcy. We seem to be the only province unwilling to acknowledge the fact that we could face bankruptcy. Of course, bankruptcy means only one thing: It means the benefits to injured workers will not be available.

So I ask this government, why did you ignore injured workers in this province and put your own interests first? Why did you ignore putting the WCB on a sound financial basis?

The Deputy Speaker: The member for Sudbury, you have two minutes to reply.

Ms Murdock: It's amazing that the Tories didn't ask themselves the very questions the member opposite asked when they went off the plan they had set up, to have no unfunded liability by the year 2014, and instead froze things in the early 1980s to allow an unfunded liability to move from \$400 million up to \$6 billion by the time the Liberals came into power, and then, from 1985 to 1990, to move into a \$3-billion-deficit increase to the unfunded liability.

We sit here now, and if we had not done what we had done with our chair and vice-chair, it would have ended up that the growth would have been unbelievable. Yes, it is unfortunate that the unfunded liability has grown over

the past three years, but it has not grown as quickly. And that is not good enough; it has to change.

What I am saying to you is that in the year 2014—the member for Waterloo North is absolutely right—it is going to be around \$13 billion, but the reality is that if we weren't doing what we are doing by saving the \$18 billion on the Friedland formula, for instance, and other changes and the expedited rehab provisions, you know and I know what that unfunded liability would probably be. It would be massive. She's right: If something is not done soon, it would be massive.

But I will also point out that we are not going to make those changes on the backs of injured workers. It was the worker who got injured on the job, and the employer put the system in place to pay those workers for their injuries received. Why should it be only the injured workers, with no indexation at all—which was the recommendation of the PLMAC—be the ones to pay for the entire unfunded liability? They shouldn't. We're not doing it.

1700

Interjections.

The Deputy Speaker: I would remind all members that if you want to hold conversations among yourselves, you can do it outside the House.

Mr Mahoney: I wish I could say I was pleased to participate in this debate, but I really find that the government, with this particular—

Interjection.

Mr Mahoney: Oxford is going to start chirping already. I'm not even 30 seconds into the speech and you're sitting back there—read your book and listen to this; you just might learn something.

The thing we have to recognize is that there's enough blame to go around all three parties in Ontario for the mess situated at the Workers' Compensation Board. You can spend the next hour and a half, if you want, throwing all your blame at the beginnings of the unfunded liability in 1980 or blaming Bill 162 of the Liberal government, and we can sit here and blame you for the exacerbation of the unfunded liability, but the reality is that we have to fix this thing and we've got to start with some commonsense solutions that will work.

Interjections.

Mr Mahoney: Hold on a minute. The PCs are the American Revolution. That's not common sense; that's the American Revolution. You want to see common sense? I've got some for you. It's in a report that was prepared by myself and my caucus as the result of an outreach tour we went on over three months.

Mr Stockwell: What's it called?

Mr Mahoney: It's called Back to the Future. Let me explain why we call it that. When I looked at the problems in the WCB, when we heard from people in eight different communities in the province, when I travelled to British Columbia, to Manitoba, Saskatchewan, Alberta—

Ms Murdock: Who paid?

Mr Mahoney: My caucus paid. Who do you think should pay? Of course they did. I was doing my job, which you could have been doing, but what do you do?

You announce a royal commission which is absolutely nothing more than rectal armour on behalf of this government, because you haven't got the guts to deal with the problems and fix them today. That's what it's about.

The Deputy Speaker: Order. Please be careful with your language.

Mr Eddy: I knew exactly what he meant.

Mr Mahoney: I'm sure you did.

All they have done is try to foist the problems off into the future, thinking a royal commission is going to solve their problems. But let me tell you why we called our report Back to the Future. It was because of a previous royal commission, a royal commission that began in 1910 and culminated in 1914 with some principles that established for the first time in this province a compensation system that made sense.

I happen to think that Justice Meredith, when he presented his recommendations to the government in 1914, made a lot of sense. Common sense was not invented by the Tories with their latest revolution document; it started a long time ago. I've always said I don't know why it's called it common sense, because it's not very common, particularly around this place.

What Justice Meredith said was that there should be a compensation system in this province that will be based on four principles.

No-fault: Let's stop worrying. I hear members in the Conservative Party talk all the time about how injured workers are causing these injuries themselves and just faking it. What Meredith said in 1914 is: "We're not going to worry about fault. If someone is injured, we want to get it fixed and we want to get that worker back to work." I agree with that principle. That probably makes more sense in 1994 than it did in 1914.

There should be statutory benefits. Bear in mind that there was a fundamental compromise on the part of the workers in this province in 1914: They gave up the right to sue. People forget that today. When you're 80 years away from the deal which was struck in 1914, some of the reasons for making that deal maybe get a little cloudy. Giving up the right to sue your employer for an injury that occurs on the work site is a pretty major concession that workers made in 1914.

Do we want to go back to that? That's the alternative, I say to the business community. Do they want to go back? No. Do they want to go back to a tort system? Do they want to have it such that a worker can get injured and turn around and sue the employer? Imagine the result of that today: lawsuits, legal bills, companies put out of business because of decisions awarding perhaps millions of dollars to the injured worker. Perhaps there would be injured workers who would get nothing. I'm sure there would. Some of the companies would win the lawsuits. You'd have injured workers, having spent money on lawyers, winding up with nothing, and in some instances you'd have companies bankrupted because of a lawsuit and a judicial system that perhaps made a decision that's hard for people to understand.

I don't believe for a minute that the employer community in this province wants to go back to a system that

would allow injured workers to sue them for injuries that occur on the job site. It's not good business. So that was one of Justice Meredith's principles, that there should be statutory benefits that clearly say, "If you're injured, you will receive compensation."

And how should the money be funded? How should the awards be collected and made available to the injured workers? It should be through—the third principle of Justice Meredith's report—collective liability throughout all the businesses in the province. This is a major bone of contention in the labour movement, because not all the businesses in the province of Ontario do pay workers' compensation premiums. There are estimates that as many as 20,000 are out in the cold, shall we say. I think we have to recognize that.

I accept the fact—I don't accept 20,000; I don't know what the number is. But I accept the fact that there are companies who are not only avoiding workers' compensation premiums but are in all likelihood, I say to the Minister of Finance, avoiding a lot of revenue—paying that he could use today, whether it's employer health tax or perhaps even income tax. We make a recommendation on how to get after those companies and on how to effectively increase the revenue base of the workers' compensation system without penalizing the existing businesses that are supporting it. We accept that particular fact, that there must be collective liability throughout the business community.

Finally, and this is probably the most important principle—call it the four table legs, if you will: the no-fault, the statutory benefits, the collective liability, and then there must be and should be an independent administration. If there is one aspect of this bill we're debating today that flies in the face of Justice Meredith's recommendations for an independent administration, it is the aspect that will allow this government to actually interfere and intervene on WCB policy for the next year.

Their excuse is that we're going to have a new inexperienced board, so the government wants to run the Workers' Compensation Board. Let me tell you, that just scares the life out of the business community. I think they'd actually rather have the thing being run as it is—well, maybe not. But the thought of this government going in and taking over the governance and the administration of the Workers' Compensation Board, even if it is for a limited period of time to allow for an adjustment, is very frightening to the business community. Justice Meredith said, "We need an independent administration."

By the way, let me just finish by telling you that the reason we called it Back to the Future is because we found that those four principles, those four legs of the table, were very important, and I agree with them.

The reality is that we have a system that should work for business to protect them from lawsuits, that should work for injured workers to protect them from losing their homes when they don't get their regular pay because there is some compensation coming forward, but it doesn't work for anybody. We spend an awful lot of time hearing and listening and debating the unfunded liability. There is a lot more at fault with the Workers' Compensation Board in Ontario than simply the fact that financially

it is unsustainable because of the unfunded liability, let me tell you. There's a lot more involved.

1710

We went around to eight different communities. We heard from injured workers who came in. It was really quite interesting. At 8 o'clock in the morning—you can picture this—whether it was in Peterborough or Barrie or Ottawa or wherever we went, in Chatham, all over the province, the meetings would all start out the same. The injured workers would be on one side of the table, the suits, the business community, would be on the other side of the table, and I and whoever from my caucus was with me in that particular meeting would sort of be in the middle.

The tension at 8 or 8:30 in the morning was palpable. It was quite interesting. There was no trust. There was animosity, actually. There was a feeling on the part of the injured workers that the business community didn't give a damn about what it was they wanted to accomplish. There was a feeling on the part of the business community that the injured workers were just ripping off the system, that it's just fraught with fraud and abuse and that these people aren't really injured. It started out that way in every single case.

In every single case, by 11, 11:30, 12 noon that day the atmosphere changed. There was an understanding on the part of the injured worker that the employer has a responsibility to pay the premiums of the Workers' Compensation Board and that they also have a right to have some accountability within the system. At the same time, there was an understanding on the part of the management, the business community, that these injured workers were concerned about maintaining this fund for future injured workers, and all they really wanted to do, the men and women who came before us and told us the horror stories they've been going through, was truly to get back to work.

I heard that. I didn't hear it just once or twice. We heard it in every one of the hearings we conducted, and this government thinks it needs a royal commission to find that out?

We have experiences in this country. New Brunswick made major changes to its workers' compensation system and seems to have it under control. British Columbia did the same thing, put the unfunded liability on a firm footing so that it's heading towards full funding eventually, with a plan, with targets, with goals. They've put a good management team in in British Columbia. That's an NDP government. Why couldn't this Minister of Labour phone up Premier Harcourt in British Columbia and say: "Hey, Mike, what did you do out there? How'd you do it?" Why couldn't they use some of the ideas that have been incorporated into the administration of the workers' compensation system in British Columbia?

I can understand why this government wouldn't phone Ralph Klein, but in Alberta they made some dramatic changes. They actually took, inside of about 24 months under the leadership of Dr John Cowell—and I want to spend some time on the fact that Alberta has a doctor as the president and CEO; that's a very significant move they made. Under his leadership, they took the unfunded

liability from about \$550 million, which is comparable on a per capita basis to our province's unfunded liability, down to around \$230 million. They did that without decreasing benefits and with very, very modest increase in premium rates to the employers, something in the neighbourhood of 7%. They did it by restructuring how they do business. Why couldn't we look at the experience there?

Saskatchewan, the only province in the Dominion that actually has a surplus; Saskatchewan, another NDP government, the home of medicare, the home of Tommy Douglas. Why couldn't this government contact the Minister of Labour in the Saskatchewan government and say, "How did you do it?" No, they need a royal commission.

Ontario, I guess, is just so unique; we're so different; our workers get injured differently. I just don't understand, except—I guess I do understand: It was seen politically. We can take all of these sensitive issues like benefits, expansion of coverage and whether or not we should cover stress and all of these things and we can roll them into a commission that won't report before we have to go to the polls next time, and therefore, whenever there's any criticism of our government on WCB, we can say: "Well, we did some things. We changed the board. We put some new people on the board. We changed the governance. We hired a president and CEO, and we've set up a royal commission that is going to deal with all of these other problems."

In the meantime, I say to the parliamentary assistant, the clock is ticking. You don't need two years of a royal commission to find out what the solutions are at the Workers' Compensation Board. They're very difficult solutions, I grant that. You will not find in one sentence or word in here a criticism of your government. That's not what this is about. I felt it would be very counterproductive. You know that I somewhat enjoy criticizing your government; I find it rather easy to do on a regular basis. But I thought it would be counterproductive to turn it into a partisan debate, because I fully accept, on behalf of my party, a certain amount of responsibility for the mess we're in. I think the Tories should do the same thing. But instead of being defensive as a government, when you have an opportunity to look at solutions to fix this thing, why would you defer it all to a royal commission?

You may not believe this. I saw the media accounts of the Premier's speech on the weekend. He really thinks he's going to get re-elected and drag all of you along with him, probably some of you kicking and screaming if that were to happen. But there is a chance that the NDP will not be re-elected. Do you think, maybe, just a chance? If that happens, you won't be around to implement anything. It would be my guess that's going to happen before the royal commission is anywhere near ready to file its report.

You've set up this royal commission, although I don't know who the members are yet—I don't know if that's been announced; I haven't seen anything—as nothing more than something to hide behind, and I will temper my language on that but I get so disappointed at a lost

opportunity. Talk to the Union of Injured Workers and they'll tell you the problems at the Workers' Compensation Board. The best analogy I heard was in Thunder Bay, where we had people come before us from all different walks of life. One of the presenters was from a company that repairs bridges. He said, "When you're repairing a bridge, you don't start at the bottom"—nice to see my House leader—"you start at the top." Think about it. You start repairing from the top down to the bottom. If you start at the bottom, the whole thing will come caving in on you. That's what has to happen.

I will grant you that this seems to be somewhat of a feeble attempt, but at least an attempt, to start at the top by restructuring the board a little bit. But what did you do? You've simply formalized the existing bipartite arrangement of four members from labour and four members from management, the polarization that exists not only at the Workers' Compensation Board but at the Workplace Health and Safety Agency, which I want to talk about a little bit as well—my good friends Mr Forder and Mr McMurdo—as we get into the process.

1720

You formalize that and then to try to give some suggestion that perhaps you're going to make this non-partisan in some way, you've added a private citizen from labour and a private citizen from management. How does that do anything? What I see that doing is increasing the labour side of the board to five and the management side to five. It doesn't allow for any independent thinking. It does not support Justice Meredith's contention that it should be an independent administration. What does "independent" mean? Presumably, "independent" means that you're not taking your marching orders from a cabinet minister or a Premier or a government of the day; I don't care which government it is.

There were a number of things that I heard in the outreach tour that were fundamental, that we heard time and time again. Number one, you've got to depoliticize workers' compensation. Where does the politics come in? Just work with me on this. Where does it come in?

The chair heretofore is appointed by order in council, usually a friend of the Premier. The qualifications of the immediate outgoing chair, Odoardo Di Santo, were quite clear. He was a member of the NDP caucus for 10 years. I think that should allow you to run the eighth-largest insurance company in North America. Makes good sense to me.

There is no one in this place—not the minister, not the Minister of Finance, not the Premier, certainly not I—who is qualified to run the Workers' Compensation Board. I can tell you that if the opportunity comes under a Liberal administration, the person who will be the president and the CEO of the Workers' Compensation Board will be someone with the qualifications to do the job, someone with the training, someone with the educational background, someone who understands insurance. That person will be hired by the board and not, I suggest, by the Premier.

One of the aspects of the model of governance that I recommend in Back to the Future is that there are more than two stakeholders in workers' compensation. This is

all about power. That's the real sad part of this.

The labour movement wants to have more and more power and influence and say, and they have an absolute major stake in the running of the Workers' Compensation Board. Absolutely significant input must come from organized labour.

Management, of course, would say, "If you're going to let organized labour have a say, we want to have a say," because they clearly would be on two different agendas and they'd want to make sure their interests were protected.

So you've got to have those two, but who else is there? Let me tell you, just to share with you an idea. I've recommended a board where instead of it being a bipartite, top-down type of approach, it be a non-partisan, balanced approach.

Who can help us solve the problems at the Workers' Compensation Board? I think the medical community has a huge stake. While I've recommended a board that consists of 12 groups or individuals to sit on the board, I think it could be a little bit larger. It could be 15. I wouldn't want it to be much larger than that. But it's got to represent the various interest groups.

Some people would say that the medical profession are purely and simply service providers to Workers' Compensation. I grant you that they are service providers; they make their income. But just think about it. The board would generate millions and millions of dollars in revenue to medical practitioners, to chiropractors, to physiotherapists, to psychologists, to any number of areas where millions of dollars are paid out to them. Does that make them strictly a service provider or do they have some interest in making sure the board is sustainable as a huge source of revenue for them and their colleagues and their kids in the future? Do they have an interest? I think they do.

Probably the number one thing that will help put the board on the right track will be a clear emphasis on early return to work. How do you get early return to work? The first thing you've got to do is have early identification. That's one of the key problems with this.

Even doctors came before us all around the province and said they readily admit there are too few doctors who are trained in occupational health and safety. They perhaps don't understand the nature of the workplace where the injury occurred. They don't understand the possibilities for modified work, because they don't even know where the workplace is. They've never been at it.

In many cases, doctors actually look at an injured worker's file and never actually look at the injured worker. How in the world can you make a qualified decision on something as complex as a physical injury to a human being by looking at a file? I just find that incredible. But that's what happens, and they admit it.

We have suggested that we negotiate with the OMA the creation of a specialty in medicine where doctors who currently practise could be updated with training. Doctors who are currently in med school could specialize in certain areas. They could work for insurance companies. They could work for compensation systems around the

country. They could work for sports teams and organizations. They could have private clinics. They could work in schools. They could work in many, many areas as a specialty. There's a little bit of that, it's hit and miss, but it's not coordinated properly the way it should be by the government and the OMA in identifying specifically what kind of accreditation we want.

Those are the doctors who should be seeing the patients who get injured, the workers who get injured. You would say: "Why? What's wrong with a family doctor?" My family doctor, I think he and I were probably about seven or eight years old together. If I go to see him, I say: "Tom, I've got a problem. I hurt my back at work." What's he going to say? He's going to say: "Come on, you're dogging it. There's nothing wrong with you. Get back to work?" He's not going to say that. He's my family doctor.

Hon Bud Wildman (Minister of Environment and Energy and Minister Responsible for Native Affairs): If he knows you, he would.

Mr Mahoney: He does know me quite well. He's my family doctor. He's going to simply fill out the form and submit it for compensation. We should not put our family doctors in the position where they have to question their patients in that way. You develop relationships with your family doctor. I think there should be an independent medical assessment that's the first thing that happens when an injury occurs. What do we do now? They go to the family doctor, then the whole thing goes to an adjudicator.

Let me just take a minute to tell you what I found out in our outreach program about the problems with adjudication. In the province of Ontario, the most inexperienced person in the entire worker compensation system makes the most important decision. That's the first decision. That's the decision that says yes or no.

If the answer is no, it leads to a maze of the most complex, unbelievably complicated system of appeals within the Workers' Compensation Board, calling in your MPP, calling a lawyer or some other advocate, going through the system, because this adjudicator, who had three weeks' training in the province of Ontario on how to adjudicate claims, has said no. It's not based on sound medical information other than what they received from the family doctor. I'm not saying it wouldn't be sound, but you can't just rely on that.

The key to fixing workers' compensation is to have fewer claims. You can talk about unfunded liabilities and service delivery problems and everything else, but you've got to reduce the number of claimants in the system.

One of the criticisms in Alberta is that they did that by simply making it tougher for an injured worker to file a claim. I don't agree with that, but what we should do is set up a system that makes it easier for injured workers to get in and out of the system and back to work, fixed, being productive, which is what they want, in my view.

There are exceptions. There is fraud. There are fraudulent claims that are being filed. There's fraud in companies. There's corporate fraud. There's medical fraud. There are lawyers and advocates going in perhaps in a

fraudulent or an inappropriate way. I think it's all through the system. Whether you believe Diane Francis's quote of \$500 million or Brian King's estimate of \$150 million, the reality is, there is fraud. Let's sort of accept that and put it over here, because I think there's a way to fix that. 1730

That isn't going to solve it. You could take all of that, and if you got every dollar—let's assume Diane Francis is right and there's \$500 million in fraud. If indeed that's correct, what does that do to the unfunded liability? It knocks it down from \$11.5 billion to \$11 billion. Big deal. It frankly isn't going to resolve the problems.

That's not to say it's not important. It is. It's important because we need to change the whole culture at the workers' compensation system to make it work better for injured workers, to make it more responsive to the employers who pay for it. But we tend to get hung up on the issues that I guess make the headlines.

I think we have to put in place an aggressive internal and external audit system that reports directly in to the board that will go after the fraud and the abuse in the system and try to clean it up. But having said that, it isn't going to solve the problems at the Workers' Compensation Board.

What we have to do, in my view—and this bill does none of this—is find a way to reduce the number of claims, the number of claimants, to take the ones who do file claims and to get them fixed up and off the system as quickly as possible.

The other members that I've recommended serve on the board include the Association of Municipalities of Ontario. Someone might ask, "Why? They're self-insured in this system," and that's true. I spent almost 10 years on a municipal council, and I believe we as a province and the WCB as a government agency could learn a lot from the municipal experience. Some of the best return-to-work programs that I've seen came out of the city of Ottawa, the city of Winnipeg, the city of Vancouver, where they understood.

Maybe it's because they've got the time and, unlike the private sector, they're not driven by the requirement, quite under such stress—which is another interesting word in workers' compensation; I'll come to that later—they're not driven by the same kind of stress that the private sector is, so they've got the time.

Rather than criticize them for that, why don't we take advantage of the experience and the knowledge the municipalities have: excellent relationships between their unions and the senior management in Ottawa, in Mississauga, in Winnipeg. Excellent relationships, and that's very much a big part of what this is about.

I think we should not be so proud, stubborn and pig-headed that we know best, we're the senior level of government, we'll decide and we'll just hand it all down and tell the municipalities how to do things. Why not recognize that the municipal sector is doing a terrific job in the area of return-to-work and in solving its own compensation problems and ask it to help us fix this? I've recommended they have a seat on the board.

I think the provincial government has to be repre-

sented, not in the sense of a \$400-a-day perk or patronage appointment given by the Premier or the Minister of Labour, but rather by a citizen who has some qualifications in the area of compensation, in the area perhaps of trying to understand this particular system or other systems. I would give the provincial government one—only one—seat at the table in a readjusted board.

The Union of Injured Workers of Ontario: We heard all over the province injured workers come to us and say: "Why won't you people listen to us? Every once in a while, you do a little dog-and-pony show"—like they were accusing us of doing with our outreach program—"but you don't really listen to us. This government doesn't listen to us. You guys didn't listen, and neither did the Tories when they were in office. Why not?"

It's an interesting phenomenon, actually, why not, when you think about it. With some of these injured workers, it becomes their life. It becomes their full-time job, other than taking public speaking courses. Many of them become quite articulate. But the fact is, they become consumed with the problems at the Workers' Compensation Board. It eats them up psychologically, not just physically. Why shouldn't we go to them and say: "What are some of the problems with injured workers and the service delivery system that's not working?"

I've suggested that a representative of the Union of Injured Workers be formally appointed to the board. I know we have a member on the board now who was an injured worker, but he's not there representing that particular group. I think there needs to be formal recognition of the Union of Injured Workers. Stop the confrontation, stop the fighting and the arguing over workers' compensation, and get them on to the board to sit down with the rest of the stakeholders involved in this system and find solutions.

I've recommended, with some criticism, that the Council of Ontario Construction Associations sit there. And someone said, "You should have the manufacturers on," and I've said, "Okay, I'm prepared to look at that." They obviously have a major interest, the Canadian Manufacturers' Association.

As I said, the report we put out is not cast in stone. We put it out to try to stimulate debate, something an opposition party generally doesn't do, I might add. Generally, in opposition it's your job simply to criticize the government. We went a lot further. We put out what amounts to a four-point plan and consists of 36 recommendations trying to deal specifically with the areas we thought need to be addressed.

We've been criticized, we've received some credit from various groups, but the point is that we've put it out for discussion and we're asking for feedback. We want to be able to say to the business community and to organized labour and to the unorganized worker who relies on workers' compensation from time to time, "Here's what we have found out, and here's what we will do if and when we are the next government in this place."

We don't need a royal commission that I submit will probably cost \$3 million, take two years to report, and I will be very surprised if it doesn't simply come to the same conclusions that I and thousands of other people

have come to who are involved in workers' compensation.

But I'd put COCA on the board. I took a little bit of heat. One of the reasons I did that is because the Ontario Building and Construction Trades Council is represented on the board and many of the claims that come in to the WCB come from the construction industry. They're a unique industry. They need the opportunity to have input, and I think they have a lot of really good ideas.

As I said before, I'd be prepared to expand the size of the board a little, by two or three members, to include the CMA and perhaps one or two others, but not to make it unruly, and to bring a balance to the table at the WCB.

Originally, I'd recommended that the Ontario chartered accountants association be asked to serve on the board, but I've since been convinced that they would be better off in an advisory capacity, advising the board rather than an actual voting member of the board, and I agree with that change. I would recommend that we insert a small business representative in the place of that particular organization.

I've also recommended that the occupational health and safety specialists be represented, someone who understands, on a day-to-day basis, the problems involved in health and safety issues on the board.

I do not agree with the Premier's Labour-Management Advisory Committee that there should be a representative on the board from WCAT, the appeals tribunal where people can appeal the decisions. I'll deal a little further with the appeal process a bit later on.

Mrs Yvonne O'Neill (Ottawa-Rideau): On a point of order, Mr Speaker: The member for Mississauga West is making a very important speech on a very important subject. It's unfortunate the Minister of Labour is not here, and it's most unfortunate that I don't think a quorum is present.

The Deputy Speaker: Would you please check if there is a quorum.

Senior Clerk Assistant and Clerk of Journals (Mr Alex McFedries): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

1740

Senior Clerk Assistant and Clerk of Journals: A quorum is now present, Speaker.

The Deputy Speaker: The member for Mississauga West.

Mr Mahoney: I mentioned earlier that the government, with Bill 165, is looking at direct government interference. It provides an opportunity for direct government control over WCB policy for one year. We think this could be catastrophic. We don't know if this government has a year left in its mandate. We know technically they do, but the Premier may decide that he wants to go to the polls—we hope—a little earlier than that. There are indications that could happen. But if it doesn't happen, it really means this government and this Labour minister will have an opportunity to direct policy for the next year at the Workers' Compensation Board. We've seen the results of some of that already.

I heard the parliamentary assistant talk about the Friedland formula. Let me just take a minute, Mr Speaker. I'm sure you understand it, but the folks at home may not. This is simply a formula to de-index the pensions granted to injured workers. It's a fairly complex formula where instead of getting 100% of CPI, they get 75%, and there's a cap and other things that are involved. But the reality is that it generates revenue by reducing costs, about \$3 billion to \$3.5 billion in savings by reducing the amount of indexation that an injured worker will receive.

So what did the government do? First of all, the management caucus of the Premier's Labour-Management Advisory Committee recommended that the Friedland formula on de-indexation of the pensions be adopted by the board. The Premier announced they were going to agree to that. He said: "No problem, we're going to do that. We're going to adopt the Friedland formula." Now, just put that on the shelf for a minute.

There's another issue out there, and it has to do with workers injured prior to 1990 and the fact that they are being undercompensated for the injuries they received. You know what? I agree with that. I think there's some justice in recognizing that those workers were indeed undercompensated. So the Premier, by granting a \$200-a-month supplement to what amounts to about 40,000 to 45,000 injured workers, spent the money on the Friedland formula. That isn't what the management caucus of the PLMAC wanted the Friedland formula adopted for. They wanted it adopted so they could take \$3.5 billion and pay down the unfunded liability; or fund it up, depending on how you want to look at it.

So here's the government saying: "Boy, that's a good idea. Thank you, to the management caucus of the PLMAC, for finding out where we can get another \$3.5 billion. Thank you very much. We just spent it." They didn't reduce the unfunded liability at all. That's part of the problem. That is this government driving the policies at the Workers' Compensation Board. If they were financially responsible, they would have said: "We're going to take that \$3.5 billion out of the Friedland formula and de-indexing of the pensions and we're going to pay down the unfunded liability. And we're now going to adopt the principle of topping up the workers who were injured previous to 1990 with \$200 a month, but we have to find the money from within the structure, within the system."

The board showed a deficit last year of—I don't know, what was it?—\$86 million in its operations. They're running a deficit. This government continues to run deficits with no concern. Deficits are overdrafts. It means you don't have the money. Where are you going to get the money?

Hon Mr Wildman: With no concern?

Mr Mahoney: If you had concern, you'd think you'd do something about it, I say to the Minister of Energy. If you had concern, you'd think you would not adopt a stated policy of five years of deficit financing, increasing the debt in this province from \$39 billion when they took office to—what?—\$90 billion, \$95 billion—I've heard \$102 billion—by the time you're relieved of the com-

mand. Maybe you do care. Maybe you just don't understand how to do it. I don't know. I suspect it's just, "Damn the torpedoes. Full steam ahead without a rudder and somehow a miracle will come along and get us out of this mess."

That's what's happened at the Workers' Compensation Board. Somebody showed you how to find the money to help pay down the unfunded liability. So what did you do? You spent it on something else. There's a difference here between justice and fairness and the ability to pay. I would suggest you say to the 40,000 or 45,000 injured workers who are looking for that \$200-a-month supplement: "We agree with the principle. We're going to try to reorganize things to find you the money."

Look what they did in Alberta: 130 heads went rolling in Alberta when Dr Cowell took over, most of them middle management. It was not a nice time, not a nice time at all, but they had to make the changes to find the money to pay for the system. If you were in the private sector, you would have to do that too. But no; you can just ignore it: "We found \$3.5 billion. Now we're going to find a way to spend it."

That's what bothers me, that this government has the ability under Bill 165 to control the political agenda, the economic agenda, everything, to control everything about the Workers' Compensation Board. Does that live up to those principles I spoke of earlier, outlined in 1914 by Justice Meredith, of an independent administration, when the government can simply make the decision?

Our model would see a board, and I mentioned to you the composition of the board, from various sectors in society, all of which have a stake in the Workers' Compensation Board. They would not earn the \$200 to \$400 per diems that have been traditional. I don't lay that at the feet of this government. Every government in history has done that: Appoint your friends to the WCB and they make \$200, \$300, \$400 a day.

Under the model I've recommended in Back to the Future, you'd get a buck a year to serve on the WCB. A buck a year. Your expenses would be covered, obviously, because we'd want representation from the north and the east and the southwest and from the Metro area. There would be travel costs, meeting costs. All of that would be covered. But I maintain and I'm absolutely convinced from my past experience that you would get a lineup of people who were willing to volunteer to fix this system if they thought the mandate was in place with a government that had the courage to do it.

You see them every day. They come and talk to me and I'm sure to my colleague in the Conservative government every day, people who work full-time. They may be employed by General Motors or they may be employed by Ford or they may be employed through the federation of independent business or they may be employed by a labour union within the province. You see them every day. That's where they get their paycheques, but they work full-time on nothing else but workers' compensation reform. I think you'd get these people, who would be delighted to come forward and help figure out the solution to the mess at Workers' Compensation.

What you would do by doing that is to depoliticize it.

You would no longer be saying, "Put my friend, Premier, on this board," or this commission. That's what happens in the municipal world. You don't get paid per diems when you serve on committees to advise the local government. Why do people do it? They volunteer their time. Why do they do it? In that particular community all across the province, indeed all across the country, they don't even get expenses. I'm not suggesting we go that far, but we should eliminate the per diem, eliminate it as a patronage appointment, and make sure we get the best-quality volunteers we can to fix this problem.

I go a little bit further and recommend that the chair would be elected from among the members of that board: not appointed by the Premier but elected. Obviously, that chair would have to have the ability either to take a secondment or to take some time off from their job to be able to assume the position, because the full-time position of chair of the WCB would indeed go with a salary.

1750

But here you've got a board that's been put in place. Yes, you would have to make government decisions on the actual individuals, but the associations I mentioned in the board structure, the OMA, the chiropractors, the Union of Injured Workers, the OFL, all of the individuals would be nominated by these groups, and the OFL might submit five nominations for two positions on the board. It would be up to the government to select the best-qualified person from among the names that were submitted. But you would clearly take the politics out of it, because you're not appointing them to some huge plum position where they're going to make \$400 a day to serve on the board. So there is a way to change the structure.

This is a major difference to this bill: Then the chairman and the board under our model in Back to the Future would seek out qualified applicants to become the president and CEO. This does not replace the chairman, the chairperson. Under our model there would be a separate president and CEO who would be a qualified individual, perhaps from the insurance industry, perhaps from the actuarial industry. I don't know; I wouldn't predetermine that; I'd put out the types of qualifications that we're looking for.

Interestingly enough, I told you that Alberta hired a medical doctor, a medical doctor who I spent a couple of hours with in his office in Edmonton, who seemed to have a very good business sense and commonsense approach to what needed to be fixed. But Dr Cowell recognized that the medical community has a key role to play in fixing the problems at the board. He had an asset. Because he is a doctor, he was sort of allowed into that fraternity. Perhaps that wouldn't happen if it was strictly an insurance executive or a chartered accountant or someone like that. I don't know. Interesting.

He found that in changing the culture and meeting with the medical association in Alberta, the AMA, he could get them to buy into being more responsible, along with the worker, along with the employer, along with the workers' compensation system, in effecting an early return to work. The doctor has a lot to say about that and can help us solve this problem.

Instead of beating each other up all the time, why

don't we try to find the people who can actually help us solve the problem? The president and the CEO would be hired by the chairman and the board of directors, not appointed by the government. It would not be an Ontario Insurance commission. It would be a job where you would hopefully have wide competition.

I've recommended that we have a separate investment portfolio, a separate audit portfolio, and I talked earlier about the group that would go after the fraud, both internally and externally within the various areas, to try to resolve that. The president and CEO would then set up a structure consisting of four basic vice-presidents. We've got totally away from the vice-chairs of labour and management, totally away from the polarization.

I differ rather dramatically from the position the Conservatives have taken on this, which is to shut the door, turn out the lights and walk away, privatize the whole thing. I found, in going out on this outreach tour, that that would indeed be a disaster, to privatize this. What it should do is it should be run like it was a private corporation, with the culture of a private corporation, understanding that you can't continue to mount debt, that you have no business building a new building in downtown Toronto or anywhere when you've got 25% and 30% vacancy rates and doing it without going to the ultimate board of directors, which in this province is the cabinet. If a private company ever did that, the president, CEO, the chairman and the board of directors would be fired. They'd be booted out with that kind of irresponsible action.

Mr Ted Arnott (Wellington): How do you enforce marketplace discipline without competition?

Mr Mahoney: That's a good question. What you do is, you get everybody to accept the fact that this is fundamentally a good system, based on the 1914 report of the royal commission and that we've got to make it work. I ask the Conservatives to tell us please, if you close the door, if you privatize the WCB—it sounds wonderful. Ross Perot. Remember him? Ross Perot used to say, "If you want to know why the car won't run, you've got to open up the hood and look at the engine." Everybody would say: "You know, he's right. That makes a lot of sense." I tell the Progressive Conservatives: Open up the hood and you're going to find an engine that's so broken that you wouldn't have the first clue how to fix it.

The fact is that what you will do by privatizing, where does the \$11.5-billion unfunded liability go?

Mr Mike Cooper (Kitchener-Wilmot): We keep it.

Mr Mahoney: That's exactly right. That's exactly right, to the member for Kitchener-Wilmot. "We keep it," and "we," folks, is the taxpayer.

We have a responsibility to fix the workers' compensation system, no question, but we also have, I submit, a broader responsibility, to be responsible to the taxpayer. I've never been able to get an answer to that. I guess you could chop it all up and phone all the businesses and say: "Guess what? Come on in, we've got an envelope for you. We've got your share of the debt and the unfunded liability because we're closing this down and we're going

to turn it over to Zurich" or "We're going to turn it over to Dominion."

I even had the idea of partial privatization when I went out on this outreach tour. I said, why not allow the Zurich and the Dominions and all of these companies to compete with the WCB? What you would wind up with is that no private insurer would touch this without reducing benefits to probably the 75% level. I think the Tories would like that. I think that's a position the Conservative Party would support.

Yet I heard people in management, in the business community, tell me everywhere I went, "We don't want someone who works for us who is legitimately injured to suffer." I even heard CEOs tell me, to the parliamentary assistant, that they top up the benefits of their injured workers to 100%. I thought, "Why would you do that?"

Mr Sutherland: Voluntarily, right?

Mr Mahoney: Yes, voluntarily top it up to 100%.

Mr Sutherland: Not negotiated through a collective agreement?

Mr Mahoney: No collective agreement negotiation: a voluntary top-up to 100%. I heard it from a number of them.

The same groups, by the way, would also say, "You've got to reduce benefits." I'd say: "I'm confused here. You say you want to reduce benefits, but you top up your injured workers to 100%. Why is that?" "Well, because our injured workers are important to us. We want to get them fixed and get them back to work." It doesn't equate.

There are two reasons for reducing benefits: (1) is to attack the unfunded liability, (2) is to take away the disincentive to return to work. In *Back to the Future* we address both of those, and I want to spend a little bit of time on those, if I might.

Before I do, though, let me just finish on this idea of privatization. If you did partial privatization and allowed for competition with the WCB, you'd have a WCB sitting there with a massive debt, unable to move or make decisions because of the burden of carrying the debt and the unfunded liability. You would have private sector insurers who would be offering specials to the business community, saying: "Not only will we provide your auto insurance, which the board can't do, and your liability insurance, which the board can't do; we'll even put you together with some investment people to deal with the RRSPs, which the board can't do, and on top of that we'll provide you compensation coverage, and we can do it perhaps cheaper." The facts are that the studies out of western Canada show they wouldn't provide it cheaper, but you could see that happening.

Then what would happen is that the only people who would go to the Workers' Compensation Board would be the bad players, the bad actors, the people who have terrible accident records. Therefore, you would drive their claim costs through the roof. Where they are already going through the roof, you'd drive them up even higher, and you would make it totally impossible for the board to function.

So if you do want to privatize, doing it on a competitive basis with the WCB is absolute and utter nonsense.

The only way you could do it would be to close it down completely and start it up in the private sector. And what would happen then with the unfunded liability? Some say \$11.5 billion; others say the real unfunded liability and debt is more like \$30 billion. But wherever it is, what would happen to that debt? We can't get an answer to that.

1800

We think that if you indeed go Back to the Future, as I have suggested, and look at the Meredith principles, you will find a fundamentally good system. What's happened is that too many hands have got into the pie: too many cooks in the kitchen. We've destroyed a fundamentally good, productive system. So let's fix it. Let's fix it. That's exactly what we're recommending and exactly, in my view, what this particular bill doesn't do.

If the parliamentary assistant, speaking on behalf of the minister, would at least admit that Bill 165 is temporary, that it's a bit of a stopgap, that it's a bit of putty in the cracks, I might accept some of it.

Interjection.

Mr Mahoney: Well, you say it is, because I guess you're waiting for some magic out of the royal commission. Let me tell you, talk to the people in the province. You must do it; you're a lawyer. I'm sure you've dealt with many of these cases, with many injured workers. Talk to the people involved in this system. You don't need a royal commission to tell you what's wrong. You know that. I'm sure you do, but for some reason you're insisting on going along with it.

I've talked about the Friedland formula. Now let me deal with the purpose clause. This is another area a lot of concern is being expressed about, particularly in the business community. If you don't adopt some kind of balanced approach to the establishment of the board and the governance in this thing, the real fear is that the WCB, with your ability as a government to interfere in the day-to-day policy and the administration, will be driven by your left-wing agenda. That's what scares the life out of the business community. You should understand that. Why don't you at least recognize that there is a way to take the partisanship out of this thing? You won't do that.

You're even talking about eliminating experience rating. It's quite amazing, with the adjustments in the experience rating. Let me just take a minute to talk about the experience rating.

Think of two gas stations kitty-corner to one another in Sault Ste Marie. One of them's got a terrific health and safety record, hasn't had a claim in 10 years, no problem. The staff are all trained on health and safety matters, they clean up the oil, whatever. They run a good operation. On the other corner we've got a disaster, accident after accident. In my view, the first gas station shouldn't have to wait for some adjustment period to get a rebate. It should be very clear. We should be putting in place incentives for people to operate like the first gas station. But you won't do it here. That's the problem.

You say you agree. I hear all these warm, wet, fuzzy things out of the government, out of the parliamentary

assistant, but you won't do it. Why not put in place a system that actually gives people some incentive to provide training to their people on the actual job site and give them lower premiums?

You can't do it by itself. You can't do it in isolation. That's the problem. We heard from an employee—it took a lot of courage—of the workers' compensation system in Thunder Bay who came in and said: "We see this kind of thing happening all the time, and now the government's setting up a royal commission. All you people want to travel around and you want to talk and you want to come up with ideas. Why don't you just tell us what it is you want us to do and we'll do it? Stop changing the program every day, every week, every month. Put in place some major reforms that we can deliver on and leave us alone."

I fear, I say to the parliamentary assistant, that what we're doing here is tinkering once again with the workers' compensation system, not providing the kind of leadership we have a real opportunity to provide, and the experience-rating system is clearly one of those.

The other example that is quite interesting in this bill is the new fine system you're putting in place. I don't understand why it is—and maybe it's not just this government; let me try to be fair, but clearly this government is doing it—you figure the way to solve problems is by being punitive. I don't understand that.

I made a number of recommendations in here that deal with health and safety. The principle under Bill 208 and under health and safety delivery to the community is that if you train workers and managers in better health and safety rules and regulations, you'll reduce accidents. Has it happened? No, it hasn't. Why not? It's hard to figure.

We have more accidents but we have this \$60-million Cyclops called a health and safety agency gobbling up money, intimidating people, writing letters to the business community, upsetting everybody. If Mr Forder would spend more time running the agency and less time writing letters, maybe he'd get something done over there.

But it's really quite remarkable. What has happened is that it's got to the point where everybody just says: "Shut these guys down. We've had enough of this kind of abuse." We in this party still believe in the principles under Bill 208. What would be wrong in providing materials to the business community to provide training on their own in the community in which they live and work?

A representative from Inco, in the riding represented by the parliamentary assistant, came to me and said: "You know, we have to actually send our workers all the way to Hamilton, to the training centre in Hamilton to get health and safety training. They provide training at about the level of grade 7, when at Inco"—and the member probably knows this—"we've been providing training at a PhD level for years. Why can't we be recognized for that? Why do we have absorb the cost of flying people down to Hamilton or driving them down, putting them up in hotels, going through training programs?" Why do they have to do that?

Then he said: "You know what else? We would be

prepared to be a delivery agency on a cost-recovery basis to deliver the health and safety training programs in Sudbury." Boy, does that make sense to me. Why not take advantage of that? It wouldn't cost the government a dime. It wouldn't cost the taxpayers a nickel. It wouldn't even cost the agency any money. They already have all the material. All they've got to do is provide it to the trainers at Inco, at Stelco, at Algoma, at General Motors. They'll train the small businesses. They said they'd be interested in doing that. All they want to do is recover their costs.

But no, this government can't do that. This government has to set up a health and safety agency, bipartite chairs, bipartite board, fighting all the time, disagreements, and then all we hear from the two co-chairs—well, they made themselves CEOs; I'm sorry, I forgot. They had to increase their profile to go along with the corporate washroom they've got in their palatial offices. They made themselves CEOs and all we hear from them is: "There's nothing wrong. We're doing a wonderful job."

Well, I say directly to them, and particularly to Mr Forder, you should do what Bob McMurdo has had the guts to do and resign. Let's get on with providing health and safety training in the workplace and let's get on with implementing Bill 208 in the workplace so that it can indeed do what it was intended to do, and that is reduce the number of accidents.

The health and safety agency can tell me all day long that they can get people to come and make testimonials about how great the training has been. I'm sure they can. I would hope that for the last few years of operating this they have done a little more than nothing. I would hope that there are some workers out there who feel that the training they got from the agency is good. I wouldn't say everything is, as I said in my letter to him, rotten in the state of Denmark. They must have accomplished something in all that time.

But we're missing the boat. Part of the solution to reforming workers' compensation is to change the way we deliver health and safety training in this province so we can reduce the number of accidents. It's just so simple. It's staring you right in the face. You've got an opportunity to do it. You don't need to wait for a royal commission to tell you something that's right in front of your nose.

1810

Mr Eddy: I agree with you.

Mr Mahoney: I thought you might, I say to the member from Brantford, agree with me.

This is going to upset a few people, but there's something else that goes on in the workers' compensation system. We have workers who get injured, go through rehabilitation, can't go back to their pre-injury employment, for whatever reason, either the job's not available to them or perhaps they lost a limb or something happened where they were unable to perform the same job, so they get another job. It's not easy today, but it happens and it's been happening for a long time. They get another job. They also continue to get a pension. They continue to get a workers' compensation pension even

though they get another job. We have two members of the cabinet in exactly that position.

Ms Murdock: They still have the injuries. How do you explain it then?

Mr Mahoney: I don't know. I see him bouncing around here. The back looks pretty sore. In fairness, I understand the fact that those jobs may be temporary. Maybe. What do you think? Chances are they're out the door pretty soon.

The point is, I was on a little bit of a debate the other day with Gord Wilson. I'm not putting words in his mouth. Gord Wilson said, "I don't expect anyone to profit from an injury." I agree with that. Gord agrees that we should be capping. We talked about benefits.

My report does not fix the Workers' Compensation Board on the backs of injured workers. In fact, we recommend that 90% of take-home pay be the level of benefit that should be paid. I stress take-home pay.

Ms Murdock: Yes, net.

Mr Mahoney: Yes, but I want to say more than net. I want to call it take-home pay. The reason is, W5—you all saw the program—probably mentioned five times, maybe six or seven, that it's tax-free money. Since when isn't take-home pay tax-free money? Of course it is. I don't know what the point was.

They're trying to discredit these workers who are collecting benefits because they're tax-free. They're tax-paid or they're deemed to have been paid; therefore, they get 90% of their take-home pay. But we have a system here that allows that if a worker is working for six months and injured for six months, the member will know that you can actually get more than 90%, even more than 100% in some cases, and there are cases where that has been documented.

We heard a story of an individual who had taken early retirement from their municipality and got a pension from WCB as well. They were getting 165% of their pay before they were injured as a result of their pension from WCB and their pension from the corporation they retired from. That's nonsense.

What I have recommended, and I think I'm safe to say Gord Wilson supports, is that there be a cap, not more than 90% of your take-home pay. I'm not capable of figuring out how that can work. We need someone with a computer and the knowledge to figure that out on each individual case.

Mr Stockwell: I have a computer.

Mr Mahoney: I doubt if the member for Etobicoke West could figure it out with 10 computers.

I would suggest at no time should the income to an injured worker exceed 90% of take-home pay from all government sources, whether it be a retirement pension, CPP, UIC. Whatever it is, it should not exceed 90% of take-home pay. That will save some money, and I think that principle should be put in place.

We don't believe there is any justification for simply reducing—you know, lift up the hood and look at the engine—the benefit level when we heard the business community saying all over the province that's not what

they think needs to be done to fix the problem.

I'm getting down in time here. I said before that the unfunded liability is an area of great concern. It gets a lot of headlines, gets a lot of people concerned about it. I don't mean to be simplistic, but the unfunded liability is basically the difference between the assets and the total debt and long-term commitments. We have assets of \$6 billion and we have total debt and long-term commitments of \$17.2 billion. That represents 37% funding; the \$6 billion into the \$17.2 billion and you come out at 37%.

If you adopt Friedland, you automatically take that \$3.5 billion and you reduce it off the \$17.2 billion, so for argument's sake you're down below \$14 billion; you're still at \$6 billion and you're getting up close to 50%; you're about 44% funded. That's what should be happening.

My report recommends that we adopt policies and make adjustments within the structure and the organization of the board to get us to 50% funding, and that then we adopt a principle by the board of increasing that by 2% a year until we reach 75%. At 75% funding of this liability, you are virtually fully funded.

I wouldn't stop there. I have no problem with going to 100%. I think it's a good goal to attain, but it doesn't need to happen tomorrow. We just need some confidence that the unfunded liability, which is growing at a rate of \$2 million a day, six days a week, will stop growing at that rate or at any other rate, and that there is a government with a financial plan in place that will see that unfunded liability get fully funded one day. This will give the business community some sense that somebody at the board has a basic understanding.

There's another thing you can do. The \$6-billion investment fund: I've heard arguments about this, about how it performed. One quote was that they earned 7.8% on the investments last year; another one was that they earned 14%. Whichever one you believe, it's not good enough. The teachers' pension fund last year earned 22% on its investment.

Mr Stockwell: Pretty aggressive.

Mr Mahoney: They are pretty aggressive, but that's what we have to be.

Not only do we want to decrease that debt of \$17.2 billion, but we want to increase that asset base of \$6 billion until we can reverse that trend. Those are the goals we need to set with some sense of confidence. We don't need to panic. We hear the rhetoric on the right saying: "You've got to fund it 100%. We're going broke." You hear the rhetoric on the left saying: "It's all your fault. You didn't pay enough in premiums over the years." Cut it out. Cut it out.

Mr Stockwell: What's your rhetoric?

Mr Mahoney: We don't need rhetoric. We need a plan, rhetorically speaking.

Hon Mr Wildman: The master of rhetoric.

Mr Mahoney: Rhetorically speaking. We need a plan—

Interjections.

The Acting Speaker (Mr Noble Villeneuve): Order, please.

Mr Mahoney: Mr Speaker, what's the matter? Settle down.

Interjection.

Mr Mahoney: I know this is hard for you to understand, Kimble. I'm going to send you a copy—

The Acting Speaker: Order, please. The member for Mississauga West.

Mr Mahoney: Kimble, I'm going to send you a copy of this report so you can have the time to sit down and understand it.

If you increase the asset and you decrease the debt base, eventually you're going to get to a point where you have some level of confidence. That simply isn't happening.

Service delivery is probably one of the biggest problems at the board. It's not just service delivery on behalf of injured workers either. I found that companies all over the province would rather have Revenue Canada and the Gestapo show up than to have the Workers' Compensation Board come in for an audit check. Nerve-racking. Small businesses especially would try to convince their employees who are injured not to file a claim: "We'll continue paying you. Just don't file a claim. I can't stand the thought of these guys coming in. They're going to jack my rates up. We already average \$3. Just don't file a claim."

I thought, what can we do to fix that? Interesting: 72% of the claims that are filed are solved, dealt with and returned to work in two weeks. Amazing. One of the things I've suggested in a new step plan that we've proposed is that the first two weeks after an injury be voluntary self-insurance on both the worker—voluntary—and the employer. So they both have to agree.

Just follow me on this: The injury occurs, you fill out the form the same way you would normally, you submit it to the board, but they leave the file closed. The worker continues to get paid by their employer. This is a cost to the employer, no loss in income to the worker. If the employer doesn't want to do that, they say: "Open the file. I'm not prepared to do that." But most employers are prepared to do that rather than file a claim and go through all the problems with WCB, affect their experience rating, just get into the mess of it. They'd rather just deal with it: two weeks' voluntary self-insurance.

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I heard that the PLMAC group were actually talking about doing this for 18 weeks, if you can imagine. I can't imagine that any employer would be prepared to assume continuing paying a salary for 18 weeks. That's pretty outrageous. But two weeks: If I'm an employer and I think that in two weeks we can get your ankle injury fixed and get you back to work in a modified way, boy, I'll tell you, I'm interested in that. So it's voluntary on both sides.

Let me tell you what I think that would do. Aside from giving the business community an opportunity to avoid a visit by the bogeyman, that would also give the worker an opportunity to get quickly back to work and not get

caught up in the trap of workers' compensation. I know all of you have met hundreds, maybe thousands of them who get into that cycle. It's a tragedy in many ways. They can't get off. They wind up with all the frustrations of dealing with the Workers' Compensation Board and it becomes their job, just trying to solve their own claim. This would give some incentive to avoid that from happening. The other thing it would do is that there would be a whole bunch of files down at the WCB that would be unopened.

Mr Stockwell: There already is.

Mr Mahoney: He says there already is. You're right. That's one of the problems.

Let me share one statistic with you. The average cost of a claim in Ontario's WCB is \$24,000. The average cost in Canada is \$12,000. The low cost in Canada, in one of the eastern provinces, is \$6,000. Now think about this. If you could eliminate a number of these claims from actually being opened and processed, you could actually save some money: \$24,000 per claim. No claim. It doesn't have to be opened. Business is happy. No claim. I don't get a visit by the inspectors. The worker's happy. No claim. I don't have to go through the indignity and all the nonsense they put me through. I can get back to work.

There is a misconception out there that everybody on WCB is on the dole. There's some cheating, but the fact is that the majority of the people who are injured want to get fixed. It's not just their job that they suffer losing. It affects their family life. It affects their recreation. It affects their lives with their kids. It stops them from doing all kinds of things.

I believe that while there are some cheaters, human nature basically says most people want to be productive members of society. They want some dignity and they want a job. If you put in a two-week, voluntary self-insurance period, that's something you could do immediately, I say to the parliamentary assistant. You don't need a royal commission to figure that out. It's right there. I give it to you gratis.

The business community is very interested. Labour thinks it makes sense, the ones I've talked to and I've talked to a lot of them. So there are things you could do that you're not doing that would solve the problem.

I go back to another issue I want to talk about: re-employment. I hear from people in business that as soon as the recession hits, the workers' comp claims go through the roof. It's hard to argue against the statistics because the statistics show that claims have gone up dramatically while health and safety training is supposed to be resolved in the province and everything else. Maybe it is part of the recession. I don't know. There's no real definitive proof on that, but I have some sympathy for that. One of the problems is there's no alternative for the injured worker to find another job, never mind to find a modified job within their company.

In some of the big companies it's not a problem. I was in Algoma Steel and had a tour of the plant. There was a chair where a fellow sat and the chair broke or something and they had to modify it and they fixed it up. He

was injured: got him back to work in a couple of weeks. Everything worked out. But in many instances that's not possible.

What I hear workers saying is, "We want a guarantee that we're going to get our job back." I don't know how you do that. That's the latest rhetoric from trade labour and probably from the NDP, that we want to guarantee that job back. I just don't know how you do that.

First of all, I say to organized labour, if you want to guarantee that you can go back to your job, what do you do about seniority? I can't get an answer out of them on that. Somebody comes in and takes over the job and they work at it six months, a year, whatever. The guy comes back and says, "Okay, I'm better now." All of a sudden, boom, boom, boom, boom, and you know what happens: the guy on the bottom of the seniority list falls off. So you're eliminating a job for somebody; it just happens to be the poor sap who's the lowest on the totem pole.

I suggested in Sault Ste Marie, at our hearings, to members of the Steelworkers and others, why don't you make that part of your collective bargaining agreement? "Oh no, we don't want to do that. We don't want to touch that. Got any other ideas?" I'm not trying to be smart about it. It's a real problem.

We have to identify what we really believe workers' compensation is and, most importantly, identify what we believe it is not. It should not be, and was never intended to be, part of the social safety net. It is insurance. It is protection for businesses from lawsuits from workers who are injured, and it is protection for the injured workers from losing the income which would then lead to them losing their homes and their families and whatever else. It is, plain and simple, insurance. What's evolved over the years, through voc rehab, through medical attention and everything else, is that in the aid of reducing the amount of time you're on a compensation claim, we're going to find ways to reduce that time by getting you fixed, making you better, finding a way to modify your job so you can go back to work. That's all it is and all it was intended to be and all it should be.

If we continue with, as I said, the rhetoric of the left and the rhetoric of the right in this, if we continue with the extremes and the simple solutions of the Conservatives and the no-solutions of the socialists, we're going to see this thing disintegrate and fall apart, and it won't just be injured workers who will suffer; it will be all employers around this province, around this country.

We're very fortunate, in my view, in that we have a system that's in place that can make sense. But at no time should workers be allowed—I hear the answer when I say: "Workers get injured. They go get a better job paying more money, and they continue to get a pension." The answer is, "They still have the injury." Come on. Gord Wilson said to me, "Nobody should profit from an injury."

The purpose of WCB is not so you can get a job making more money than you made before and continue to get some kind of pension award. I don't know why we call them pension awards to begin with. That's a misnomer. I understand it for the person who becomes a paraplegic, a quadriplegic, who loses an arm, who loses

a leg; the tragedy of workplace accidents. I understand there has to be some form of compensation for that. That's why we have non-economic loss awards. That's why we try to determine future economic loss awards. But once you determine that the future economic loss no longer exists, why would you keep on paying them a future economic loss that no longer exists?

I'm not blaming you for this. We did it. They did it. You continue to do it. We have to change that. If a worker gets fixed and gets back to work, they should be off compensation, end of story, case shut, file closed, let's get on to the next one. It's basic, simple, fundamental common sense, and I submit to the government it's one of the only things that will indeed put this thing on a firm financial footing.

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Let me close by just saying that the recommendations in this report, Back to the Future, are not the panacea. I admit that. They're not the only solutions; there are others. The model for the governance of the board is not the only one. I'm prepared to look at others.

I believe the foundation, however, puts in place some recommendations and suggestions that make sense, that are, most importantly, doable; that are not my ideas, to tell you the truth. They're the ideas of injured workers, small business people, CEOs, lawyers, consultants, other politicians, the ideas of the people of Ontario. That's what they're for. I would ask you to look at it, to see if there's anything you can take out of this document that might find its way into your plans for reform. Since you're going ahead with the royal commission, I'll be presenting this there. Maybe they'll listen.

Mr Arnott: I'd like to give the member for Mississauga West credit for an entertaining speech, which he always provides this House when he stands on his feet.

Mr Mahoney: "However"—

Mr Arnott: However, I must take issue with him on the way he characterized the position of our party with respect to the privatization of some of the services that are presently being looked after by the Workers' Compensation Board.

Our position, as I understand it, is this: We would examine the merits of privatization and contracting out for both the administration and provision of workers' compensation services and enlist private sector expertise to develop and implement less expensive and more effective ways to retrain, rehabilitate and respond to the needs of injured workers so that they can re-enter the workforce. We say we should investigate the possibility of private sector training as an alternative to the current approach, which is not serving either employers or injured workers.

I'd like to ask the member how, specifically, he disagrees with the position I've just articulated, which is an accurate description of the position of our party? I also asked him a question by way of interjection during the context of his speech, which he has not answered, unfortunately, and it's a basic question: How do you create marketplace discipline without competition within

the Workers' Compensation Board? He said the Workers' Compensation Board ought to be run like a business, but I would like to put that question to him, and hopefully I'll receive an answer this time.

Ms Murdock: I want to commend the member. I actually expected it to be a rant and a rave, and it wasn't, so I want to thank him for that.

In any case, I want to agree with the member opposite for his points about the doctors for rehabilitative medicine. It is very true, and we in the north know that only too well, in terms of finding any kind of specialist, but especially physiatrists, as they're called, for doing rehab medicine. I think there are going to have to be, as the member has suggested, incentives in medical schools.

On the cost issue he mentioned, however, he made the point that the money saved by the Friedland formula we were just going to spend on the \$200 we're giving to the older-act injured workers. I would like to point out, which I didn't in my opening remarks, that the money saved by Friedland is \$21.6 billion. The money that's going to be paid out for the \$200 is \$5.6 billion, and then there are the return-to-work savings, which we're conservatively estimating at \$2.1 billion. It's going to be more difficult to estimate that clearly.

Even if we were to use the analysis that the member opposite is using, we can see that \$21 billion and \$5 billion are significantly different. It is not the government that dictates the policies. In the section the member referred to, he—inadvertently, I'm sure—forgot to mention that that section is only for the transition period of one year. It is not going to be ongoing, as has been intimated in his remarks.

I really take some exception to his remarks on the incentives for health and safety. In my view, much of the section under 103.1 does.

Mr Bruce Crozier (Essex South): I would like to congratulate my colleague from Mississauga West on what I think was a very informative discussion that should leave some thought with all of us.

There are a couple of points that struck me as being very interesting. Our member mentioned the confrontational way that workers' comp is approached these days. I think that what he is pointing out there is a weakness in the system, that right from the word go we seem to be at an adversarial point between the worker and it could be the Workers' Compensation Board or the employer, or it could be all three.

I think that word "confrontation" could be used again in that this is a departure from confrontation the way the member has presented his paper, Back to the Future. He has tried not to be too critical, but he's tried to give interesting points that could be considered by the government and has in fact invited them to do so.

One of the questions the other party asked was, "How can you create marketplace discipline with a public body like this?" I'm sure that our member will have a better answer, but I would like to suggest that what you do is exactly what he suggests. His suggestion is that you take government influence out of it, you create a board that has all of the people who have stock in this, who have a

concern about it, and then you run it without government influence.

The Acting Speaker: We can accommodate one final participant.

Mrs Witmer: I would like to commend my colleague for the comments that have been made. What he has basically done today, I think, is to share with us the Liberal plan for WCB.

I would indicate at this time that our party had done a similar type of consultation and had come out with an action plan in 1993. Certainly I think there's a tremendous amount of merit in all sides of the House taking the opportunity to meet with injured workers, with the business community and all of the individuals involved in WCB. I would just like to share with you some of the action and directions that we believe were necessary after our investigation and after we had completed our consultation.

We had determined at that time that there was a need for a moratorium on all new entitlement until there was a plan in place to deal with the unfunded liability. Unfortunately, today we're going to be dealing with a bill that is going to expand entitlement but does not have a plan to deal with the unfunded liability. We thought that was an absolute necessity, and certainly people throughout this province told us that was absolutely essential as well.

We had recommended also to improve the management of the workers' compensation system. We recognized that there needed to be an individual in charge who was an executive, someone from the private sector, someone from the insurance industry who had the expertise to deal with the system.

Thirdly, we would direct management to cut the costs. Again we have difficulty with people going back to work and then receiving lifetime pension awards. Something needs to be done.

We had indicated as well that to help achieve the new WCB management objectives that are required to control costs and to better serve injured workers we needed value-for-money audits and internal spending controls.

My colleague has already talked about the need to look at privatization and I guess what we were looking at was

a system that was truly going to better serve the needs of injured workers. We presently don't have that in the province today.

The Acting Speaker: Thank you. This completes questions and/or comments. The honourable member for Mississauga West has two minutes in response.

Mr Mahoney: Thank you to all the members for those comments. Let me start off by saying directly how you provide marketplace discipline without competition. What's really interesting is, WCB is not supposed to be government. Think about it. It's funded by employers. It's supposed to function on behalf of employers.

I believe, as my colleague has said, that if you take government out of the way and not have the kind of government interference, all of the businesses who work together, and one of the principles under Justice Meredith is collective liability, that everybody pays into it together, it becomes a pool to service the private sector. You don't need to worry about competition because it would be taking its marching orders from the people who pay the bills. It doesn't do that now. It's interfered with by government.

Directly to the parliamentary assistant: I recognize and I said that the ability for the government to direct the policy of the WCB is only for the next year, and I simply say to you, I have seen the damage that your government has caused in three years with the overall provincial economy. I shudder to think what you may be able to accomplish by controlling the Workers' Compensation Board. That's not what it's set up for.

Let me also add that private sector training is something I absolutely believe in. I forget which member it was that said it. I think it might have been the critic for the Conservatives. I believe in private sector training. I have made recommendations in this outreach tour report to show how we can actually get the training done with the cooperation of the private sector. Our goal is to stop accidents from happening, period. That will fix the workers' compensation system if we're ever, together, able to achieve that goal. That's what we in the Liberal Party are committed to.

Report continues in volume B.

ERRATA

No.	Page	Column	Line	Should read:
127	6206	2	41	overlooked, I know, but he will be inclined to point that out
128	6230	2	11	that documents that came to us when we were the government

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of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 14 June 1994

**Journal
des débats
(Hansard)**

Mardi 14 juin 1994

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 14 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 14 juin 1994

Report continued from volume A.

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WORKERS' COMPENSATION AND OCCUPATIONAL HEALTH AND SAFETY AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT LA LOI SUR LES ACCIDENTS DU TRAVAIL ET LA LOI SUR LA SANTÉ ET LA SÉCURITÉ AU TRAVAIL

Continuation of debate on the motion for second reading of Bill 165, An Act to amend the Workers' Compensation Act and the Occupational Health and Safety Act / Projet de loi 165, Loi modifiant la Loi sur les accidents du travail et la Loi sur la santé et la sécurité au travail.

Mrs Elizabeth Witmer (Waterloo North): I am pleased to participate today in the discussion on Bill 165. I think it's very important that we give this opportunity to provide some of the feedback that we have received as to the impact of this bill on people throughout the province.

We are responding today to a bill that was introduced on May 18, 1994, by the Labour minister. At that time he moved first reading of An Act to amend the Workers' Compensation Act and the Occupational Health and Safety Act.

In order to set it in context, I think we have to go back to one month earlier when the Premier on April 14 announced that the Minister of Labour would be introducing these reforms to the Workers' Compensation Act. The changes were supposed to be the result of the recommendations made by the Premier's Labour-Management Advisory Committee, the PLMAC. However, what we have seen in Bill 165 is that a number of very, very critical recommendations that were made by the management side of the PLMAC were totally omitted from the bill we have in front of us.

The Premier also announced at that time that a royal commission would be established to conduct a thorough review of options and alternatives to the current system.

I'd like to preface my remarks today concerning Bill 165 by stating that we have a Workers' Compensation Board that is a giant public institution that is totally out of control. It is piling up millions and billions of dollars' worth of commitments for which it presently has no current means of paying. It is jeopardizing the future economic security of thousands of injured workers and it puts at risk the financial viability of hundreds of companies.

Unfortunately, the bill we have before us does not address any of the serious issues that I have just mentioned, nor will it restore the Workers' Compensation Board to financial health, and it certainly is not going to

address the very urgent problems plaguing this system.

This bill, which I believe to be fiscally irresponsible, only responds to the enormous pressure put on the government to fix the problem by their traditional supporters. This, I believe, they are doing just in time before they head to the polls. Unfortunately, the bill before us today places their own political agenda ahead of the interest of the total workers' compensation system.

It is unfortunate in that the government had the opportunity three and a half years ago when they were first elected in September 1990 to embark on complete and deliberate reform; however, they failed to do so. Now, because we have an election coming, we are seeing a lot of political manoeuvring and we have before us today a bill that is offering only one thing, that is, a quick fix to a very, very complex problem.

What we see in this bill are really the demands of organized labour: the demand for expanded coverage, expanded entitlement, beefed-up re-employment and an increase in benefits. We see absolutely no attempt to address the issue of the unfunded liability, which we all know stands at \$11.5 billion. This plan, this bill does absolutely nothing to eliminate that unfunded liability, as was intended many years ago.

Now, the government has been able to get away with this political manoeuvring because, unfortunately, the public and the media do not understand the Workers' Compensation Board. They don't understand its problems. It is very complex. They don't seem to understand that the system is funded by employers, not the government. They don't seem to understand that the system was set up to remove the right of an employee to sue an employer in return for the employer's shouldering of liabilities for pension, rehabilitation etc.

This system, workers' compensation, was intended as a workplace accidents insurance plan. It was not intended, as this government seems to be intent on making it, as a universal system to compensate everyone for pretty well everything.

Let's take a look at some of the discussions and some of the debate that took place prior to the introduction of Bill 165, because I think that is extremely important. As I've mentioned, the government did have an opportunity to take some very, very concrete steps to embark on a complete and deliberate reform of the system almost three and a half years ago. Unfortunately, they waited until today, and so even before the end of their term, we're not going to see the issue of the unfunded liability addressed or any significant changes made to ensure that the system serves injured workers and employers better.

Let's take a look at the background. When did the Premier become interested in the issue of WCB reform?

About a year ago he requested that his labour-management advisory committee, the PLMAC, individuals who were representatives of labour and management, look into the mess at the WCB. At that time there was tremendous hope throughout this province that, finally, there was going to be much-needed, meaningful reform take place.

The study that those individuals did confirmed that the system was bankrupt. It confirmed that the system was set to collapse. Last fall, after very extensive and very exhaustive research, the management representatives on the PLMAC advised, and I quote:

"Workers' compensation in Ontario is in crisis. The system is already technically bankrupt and owes workers \$11 billion more than it has money to pay them. The debt is growing at the rate of \$2 million a day and will triple in the next 20 years. Without fundamental reform, there will not be enough money to pay injured workers unless the taxpayer of Ontario assumes the payments."

If we take a look at the system with its unfunded liability today of \$11.5 billion, we see that expenditures have been allowed to spiral continually and ever upwards to the point where the very sustainability of Ontario's workers' compensation is in grave peril.

In response to the need to deal with the system and ensure that there would be money available to injured workers in the future, the business caucus of the PLMAC in their November 1993 report said: "The unfunded liability must be reduced to zero. Without fundamental reform, the unfunded liability will climb to between \$31 billion or as high as \$52.5 billion." They went on to say that the WCB risks running completely out of assets by the year 2014. In other words, at that point there is a strong possibility that there will be no money to pay worker pensions.

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As I've indicated, we did have business and we did have management working together. There was some recognition that, indeed, the situation in this province was and is grave. However, just as an accord between the two sides was reached in early March 1994, within days that agreement fell apart. Within days of the accord it was discovered that there was in fact no commitment from labour and there was no commitment from this government to resolve the very serious problems facing the system, facing employers and facing injured workers.

In fact, within days the PLMAC business caucus wrote the Premier and said, "It became apparent that there is no basic agreement between business and labour that the system must be financially sound."

Indeed, there was also a letter from the ECWC, the Employers' Council on Workers' Compensation, which said, and I quote, "The demise of the PLMAC-WCB reform framework is hardly surprising given the apparent disagreement between business, organized labour and the government on the principles for reform."

The Canadian Federation of Independent Business wrote, and I quote, "The PLMAC-WCB reform framework cannot be viewed as a landmark deal between business and labour."

Finally, the Council of Ontario Construction Associ-

ations wrote, "Mr Premier, it is clear you do not have the authority to proceed with reform of the WCB on the basis of the failed agreement."

Yet this government has proceeded with the reform that we have before us today. They did it unilaterally, they have adopted the recommendations of the labour unions and they did not, and I guess they will not, return to the business community for much-needed advice.

What did the business leaders do? They issued a press release denouncing the plans and they indicated, on April 14, after the Premier spoke in the House, that what he was proposing was fiscally irresponsible and "it puts the future security of benefits for injured workers at grave risk." This came from David Kerr, the president and CEO of Noranda Inc.

George Peapples, president and general manager of GM Canada, wrote this:

"While the business community has worked very hard to develop proposals to ensure the sustainability of the system, the decision of the government to cherry-pick from the agreement has heightened the scepticism that a bipartite process can yield responsible solutions to public policy issues."

While this government has attempted to present the reforms before us today in Bill 165 as being based on the joint recommendations of labour and business, the reality is that the proposals before us today do not have support within the business community.

Unfortunately, the reality today is that the unfunded liability will continue to grow. This piece of legislation does not deal with the elimination of the unfunded liability. The reality is that there are no savings in the plan before us today. Any savings are based on future savings. There are absolutely no current savings at all. We also need to recognize that in 1993 the WCB had a negative cash flow of \$74 million. So at a time when the board is broke, we have reforms before us today that are going to cost additional money.

The situation in this province is very serious, and to demonstrate just how serious the situation is, we need to take the time to compare this province to the rest of Canada. Our system in this province is in a state of crisis, unprecedented elsewhere in this nation. Other jurisdictions facing less critical pressures than Ontario have implemented tougher measures in order to confront the problems. Yet Ontario, with the second-highest average assessment rate, the highest assessment per worker at maximum earnings, the poorest funding record and by far the largest unfunded liability has chosen simply to delay and tinker, with the reforms we have before us today.

There was a report issued this year, on January 12, by the Financial Executives Institute of Canada. They did an exhaustive analysis of the performance of the WCBs throughout all of Canada and this is what they had to say about our province, Ontario. This was based on the 1992 performance.

They indicated that average premiums are the highest in this province. They were \$3.16 per \$100 of payroll. This compares to \$2.24 in Quebec, \$2.13 in New Brunswick, \$2.15 in Manitoba and \$1.84 in Alberta. They

indicated that Ontario is responsible for 70.25% of the accumulated \$15.8-billion debt, yet Ontario workers make up only 39% of the Canadian workforce.

They indicated that the volume of lost-time claims has steadily declined from a level of 208,500 in 1988 to 136,900 in 1992. Administrative expenses as a percentage of revenues continue to climb in this province, and at 14.8% it's the fourth-highest in the country.

The financial performance of the workers' compensation system in Ontario continued to deteriorate in 1992, and they went on to say that the unfunded liability continues to grow at an alarming rate.

In their report, they also stated that until recently there was no evidence that either the WCB or the Labour minister, to whom of course this board reports, acknowledged the severity of the fiscal problem. Benefit awards are significantly out of line with all other provinces and there is little evidence of any board initiatives to bring these costs down.

They also question the board's decision to build a new headquarters building in downtown Toronto at a time when approximately 20% of the office space in Metro Toronto was vacant. In fact, they indicated that this could be construed as evidence of a lack of fiscal responsibility. They talked about the increased assessment rates and the fact that there was considerable criticism from the employers in this province, some of whom were given increases of 33%.

They came to the conclusion that the employers in this province needed to continue to press for legislative changes that would work to eliminate the financial crisis at the Ontario Workers' Compensation Board as quickly as possible, and they recommended in their report that Ontario follow the lead of Manitoba, New Brunswick and Newfoundland and take, and I quote, "aggressive action to focus on reducing expenditures."

These provinces enacted legislation, as we know, that have quite significantly reduced the cost, but you know what? At the same time as reducing the cost, they have still maintained a very effective social safety net for the injured workers. However, they have taken action, and action is what is required here and action is what we're not seeing in Bill 165 to address the issue of the financial crisis.

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Let's take a look at Manitoba. They passed a bill on July 26, 1991, that reduced their unfunded liability significantly. They also introduced a new formula for calculating benefits due to injured workers. It was changed from 75% of gross to 90% of net. They reduced benefits to 80% of net from 90% after 24 consecutive months of receiving benefits. They terminated the indexing of pension payments to workers, in respect of pre-1992 accidents, at age 65. They limited stress claims to a reaction to an acute, traumatic event, and they required the workplace to be the dominant cause to qualify occupational diseases for compensation.

We have New Brunswick: They introduced a bill called Bill 55. It was effective January 1, 1993. Again, they were able to significantly reduce their unfunded

liability. They reduced benefits from 90% to 80% of net for the first 39 weeks and 85% thereafter, with a freeze on indexation for injured workers receiving compensation until they reached the 80% level. They introduced a three-day waiting period for the commencement of benefits and they limited, as did Manitoba, stress claims to a reaction to an acute, traumatic event. They also went on to develop a strategic plan, with a mandate for a balanced system of workers' compensation that was going to encourage industrial competitiveness for the province and, at the same time, provide equitable programs for injured workers.

Let's take a look at Alberta because it is the most recent success story as far as reduction of the unfunded liability is concerned. I'd like to quote from the Calgary Sun, April 18 of this year, in an editorial entitled "A Way That Works." It says:

"The Alberta advantage the Tories seek is nowhere more evident than in the minor miracle of this province's Workers' Compensation Board. Nor is a more stark contrast needed than that available by looking eastward to Ontario, specifically to the chaotic, catastrophic condition of the province's WCB.

"Last week, Premier Bob Rae fired senior brass from the Ontario WCB and slashed inflation indexing of benefits in order to keep the board's debt below \$12 billion. Without radical surgery, the shortfall between Ontario's WCB revenues and what it must pay in claims is forecast to be a staggering \$31 billion by 2014. In the workers' paradise that was to be NDP Ontario, the Workers' Compensation Board is not only broke but publicly ridiculed as a laughingstock.

"Compare that to the Alberta experience where the WCB president, Dr John Cowell, and his executive board confidently predicted to the Sun editorial board last week that they are going to eliminate the unfunded liability by 1996, one year ahead of schedule. Most importantly, they'll do it without jacking premiums through the roof, slashing benefits to the bone, or subjecting injured workers to demeaning inquisitions just to get their payments. Indeed, Cowell said 64% of claims are now processed within two weeks, up from an abysmal 14% only two years ago."

At that time, Alberta's WCB was in a similar mess to Ontario's and faced an equally bleak future. Cowell and his team turned that around by insisting that the job of attending injured workers is a business like any other and must be run on prudent principles, prudent business principles. In that province, they have been successful because they have recognized that this must be worked on prudent business principles. Within Bill 165, we see no recognition of the fact that there needs to be turnaround management of the WCB.

Let's go back now to that unfunded liability, because if we don't deal with the unfunded liability, this province, as I've indicated before, is not going to have any money to give to injured workers in the long run.

What we have done in Bill 165 is we have gutted the experience rating, we have increased the interventionist powers of the board, we have provided the government with direct control over the WCB policy agenda, and we

have ensured through way of the purpose clause that the board is compelled to increase worker entitlements.

We've done all this in a bill at a time when the system is technically bankrupt, when we have this huge unfunded liability, and even though the government suggests that money is going to be saved by these changes, as I indicated before, the reality is that there are no current savings in the plan whatsoever. The unfunded liability is still going to rise to \$13 billion by the year 2014.

This is absolutely contrary to the long-term funding strategy that was developed by the business caucus. Even 10 years ago, if you remember, the employers in this province accepted high hiked rates in order to eliminate the unfunded liability by the year 2014. Unfortunately, this plan is not going to achieve that goal, and the government does not seem to be at all concerned that that's not going to happen or that the commitment to the employer community has been broken.

Many people asked us, what is the unfunded liability? I go back to what I said before. The media has difficulty with this issue because they don't understand it, nor do the public. In fact, oftentimes the media ask me, what's the unfunded liability?

The unfunded liability is the difference between the board's total assets, revenue plus investments, and the present value of the funds required to meet current and future costs of accidents which have already occurred today. For those who don't know and don't understand, that's the unfunded liability.

It's also important to reinforce the fact that this unfunded liability and the entire system are financed solely by employers in this province.

It's also important to remember that in the 1993 annual report, the Provincial Auditor in this province advised the board that it must develop plans to attack the unfunded liability as quickly and effectively as possible. However, it's obvious that the government in Bill 165 did not listen to the Provincial Auditor because we do not see any attempt to attack the unfunded liability as quickly and as effectively as possible.

This bill simply does not deal with the deep financial crisis that we're facing in the system. Unfortunately, by not tackling the problem of eliminating the unfunded liability, we are sending the wrong message to the investors throughout this world and also to the credit rating agencies of this province. They are looking to this government for signs that this government has its house in order. However, we know that the unfunded liability has caused the province's credit ratings to take a second look and they will continue to do so.

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Unfortunately, the other issue that the government didn't address within Bill 165 is the problem with the FEL, or future economic loss awards. That could potentially add \$20 billion to the unfunded liability by the year 2014, and that issue was totally ignored in this solution we have before us today.

Let's take a look at what the government has introduced, what it is planning to do. Let's take a look first at the Friedland formula, which was part of the discussion

that took place within the PLMAC discussions. However, the government has come out and said this: "There will be a new inflation protection formula known as the Friedland formula. That's 75% of CPI inflation less 1% with 4% cap. The new formula reflects inflation protection formulas that are used in the private sector and also in pension plans."

However, they said that an exception to the new inflation formula will apply. About 45,000 people will continue to receive full CPI indexation, and they indicated that these people would be those who qualify for the \$200 pension increase, survivors and benefits, 100% post-Bill 162 wage-loss recipients, and 100% pre-Bill 162 pension recipients.

For 1995 the savings to the unfunded liability are projected to be \$828 million. The new inflation protection formula, the Friedland formula that I've talked about, combined with improvements to early return to work and vocational rehabilitation will save the system a minimum of \$18 billion over the next 20 years. These savings take into account the \$200 increase to the pensions of the 40,000 older injured workers.

That is what the government said on the issue of the Friedland formula. What they unfortunately have done is they ignored the advice from the business caucus of the PLMAC and they have not accepted the fact that the system is not financially sustainable.

Because of a lack of action in this area, injured workers and businesses are going to suffer. When they had an opportunity to take courageous political action to save the future of workers' compensation, what they've done here is they've simply put off the real reform to another day and to another government. Probably we on this side of the House, our party, will have that opportunity to institute real reform at another day. We look forward to having the opportunity to ensure that injured workers will be entitled to benefits and that we don't put another business out of business because of increasing the assessment rates. Let's take a look at—

Mr Noel Duignan (Halton North): Your solution for injured workers is having a bag on the streets of Toronto; that's the Tory way.

The Acting Speaker (Mr Noble Villeneuve): Order.

Mrs Witmer: As I've indicated, there was support for the Friedland formula. However, what's happened here is that the key financial recommendations that were advanced were ignored, and they were so watered down that there are not going to be any savings to the system. Unfortunately, the solution put forward by the government has put the system very much at risk.

The business caucus had recommended that the Friedland formula apply to all claims, and now we hear that the government is going to exempt 45,000 people. One of the leading actuaries who assisted the management representatives of the PLMAC has estimated that the net financial effect of WCB reforms will be simply to cut the \$11.5-billion unfunded liability by only \$700 million. However, had benefits been de-indexed, had benefits not been enhanced, the savings would have been \$3.3 billion.

Ten years ago, I told you, there was a long-term funding strategy developed by business in the WCB that was to retire the unfunded liability by the year 2014. Business accepted the long-term assessment rate hikes to meet this objective, and now they see that that objective is not going to be achieved.

Yet today the government, using a lot of voodoo economics, is telling us that the unfunded liability system, if you increase it to \$13 billion, actually represents an \$18-billion savings. It's amazing, isn't it, what the government can do? I repeat, they fail to recognize that the system is in crisis.

Let's take a look now at the new structure of the board. We're going to see introduced a bipartite structure. Unfortunately, bipartism is a social experiment that has been a proven failure, because what it does is ensure a strong element of partisan control over WCB policy development and WCB administration. Even the Liberals, who introduced bipartism to Ontario by way of the Workplace Health and Safety Agency, acknowledged in April of this year in their report on the WCB that it lends itself to political interference at all levels, and they acknowledged that bipartism doesn't work, is ineffective.

If this is so, and if the government had truly taken a look at the impact of bipartism, if it had taken a look at the Workplace Health and Safety Agency, why does it continue to proceed with this failed bipartism approach? By proceeding down this path, they are putting at risk the future integrity of the system. They are gambling with workers' benefits and employer assessment rates for purely partisan, political reasons.

Let's take a look now at the changes within the WCB policy area. We all know that one of the founding principles of the Ontario workers' compensation system is the deliberate, very deliberate, separation of the government from the administration of the Workers' Compensation Act. That was done to ensure politically free, arm's-length administration. The government was to design the legislative boundaries of the system, while an independent agency, the WCB, would oversee the implementation of the legislation.

This was done because even 80 years ago there was concern among the people who designed the system that an independent agency such as the WCB could be open to manipulation by partisan, political considerations. Since then, every attempt in the past 80 years has been made to ensure that the board is truly independent and that the government is unable to interfere in the day-to-day operation of the board.

However, in the government's amendments in Bill 165, for the first time we have unprecedented political control over the policy workings of the WCB being given to the government. For one year after proclamation, the Minister of Labour will assume complete control of policy. He or she, depending on whether the present minister is replaced or whether an election takes place, will have the power to issue binding policy directions to the board regarding its exercise of power and performance of duty.

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The politicization of the WCB board, of course, is also

going to render powerless the new bipartite board of directors. It's simply going to make those individuals puppets. I believe the government should be speaking to the board through the laws it passes, not through the measures that are going to make a mockery of the very board the government is purporting to change.

Unfortunately, with the changes we see in the governance structure, with the changes we see in the unprecedented political control over the policy workings of the WCB by the government in the immediate future, the opportunity for consultation with the business community is certainly going to be decreased.

Let's take a look now at the purpose clause. This is an area where there had been consensus agreement reached in the PLMAC process. However, the government statement in Bill 165 is not similar in any way, shape or form to the consensus agreement that was reached. Remember that the purpose clause is, and will be, the basic principle which is going to guide the interpretation in each individual case.

Unfortunately, the purpose clause we have before us today is slanted in favour of labour. It will always, when in doubt, because of the way it is written, favour labour. The government says this about the purpose clause that's going to be enshrined in the Workers' Compensation Act:

"It will stipulate that the WCB is to provide injured workers with fair compensation, health care benefits, rehabilitation services and assistance in early return to work." The government has only extracted the features that were favourable to the one side, the labour side.

The government goes on to say, "The WCB will be required to ensure that developments in health sciences and related disciplines are reflected in benefits, services, programs and policies in a manner consistent with the purposes of the act."

The act is going to require the board of directors "to conduct itself in a financially responsible and accountable manner." Board members will have to keep the best interests of the corporation in mind when exercising their duties as board members.

WCAT, remember, isn't going to be bound by the financial responsibility and therefore it will still be able to go ahead and compensate for stress.

That's the purpose clause put forward by this government. The purpose clause had been advanced by the PLMAC business caucus originally. They very much believed in the need for a purpose clause to be enshrined in the act, because they wanted to ensure that a wise and needed balance existed between expenditures and revenues. They were concerned about the need to safeguard worker benefits and competitiveness of Ontario business.

However, that intent has been altered. The business proposal has been changed substantially, and unfortunately we have exactly the opposite effect. This purpose clause we have before us today does not ensure the competitiveness of Ontario business. The government's purpose clause today actually will force the WCB to increase entitlements even if job losses result. There is absolutely no recognition either, within the purpose clause, that the government is ultimately accountable for

the system. Let's just take a look at this element of competitiveness and the fact that the government, within the purpose clause, has deliberately omitted the requirement for competitiveness, which I indicated was built into the New Brunswick strategy.

Mr Ted Arnott (Wellington): Mr Speaker, on a point of order: I think if you check, Mr Speaker, there is not a quorum present in the chamber.

The Acting Speaker: Could the clerk check if we have a quorum present.

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present, Speaker.

The Acting Speaker: The honourable member for Waterloo North may resume her participation.

Mrs Witmer: I'd like to return to the issue of the purpose clause. As I indicated, there was certainly a demand and a desire for the purpose clause within the act. This had been put forward by the business caucus. However, what I'm talking about now is that the government has deliberately omitted within that purpose clause the requirement for competitiveness and also the requirement for financial responsibility and accountability.

The recommendations by the business caucus would have ensured that the board would, first and foremost, assess the financial integrity of the system and that it would never expand entitlement to the competitive disadvantage of Ontario business. However, the government has chosen to omit this very important aspect of the recommendation. As I indicated before, the government's amendments are going to compel the WCB to expand entitlement. They are going to require the board to hike assessment rates to pay for the expanded entitlement even if job loss is the result. It's most unfortunate that it's going to have that very negative impact on the business community, because in the long term it could, as I've said before, jeopardize the payment of benefits to injured workers.

You ask, how can entitlement, if it's increased, result in job loss? When changes are recommended to WCB programs and services as a consequence of the advances in health sciences—and this is put forward in subsection 65(3.1)—cost issues are not going to be a consideration. This section is going to require the board of directors to evaluate the consequences of any proposed changes to ensure that the purposes of the act are achieved. And if you apply this to such issues as stress and chronic pain, it means the WCB will evaluate the changes consistent with the purposes of this act, which has no regard for the ability of the system to fund these improvements.

This has all happened despite the fact that business and labour had reached agreement on the inclusion of the financial responsibility of the purpose clause. Unfortunately, there is nowhere within this bill any recognition of the critical role that employers play in this system or their need for assistance of the WCB. In the purpose clause we see only the workers' perspective reflected.

Now let's take a look at re-employment. The govern-

ment has indicated that the WCB will now have the power to review on its own initiative whether an employer has fulfilled its re-employment obligations and can levy a penalty under the existing provisions of the act. This is most unfortunate because the WCB has been given the power to expand upon the powers it already has, and we know that there are long-standing problems with the powers it already has. Instead of correcting those practices, the government is actually increasing the powers of the board.

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The re-employment provisions of the Ontario Workers' Compensation Act that were introduced in 1990 through Bill 162 are a crucial component of this province's workers' compensation system, and they confer important rights upon disabled workers along with significant obligations on their employment.

The policy objective of the legislation is clear. The employment prospects of a worker should not be disadvantaged because the worker sustained an injury while employed, and this is certainly a worthy objective.

Right now, should any worker be of the view that the employer has not complied with his obligation, the WCB has the power to conduct a thorough investigation; however, the change in the amendments now means that the board will have the power to mount an investigation even if there are no complaints made. In other words, even if there's no evidence of a problem, no evidence of non-compliance, the WCB, according to the change in the amendments, will be able to enter the workplace and it will be able to audit the employment practices of the employer: most unfortunate, the very intrusive powers that are being given to the board.

Let's take a look at the increase in worker benefits. The government has indicated that it will be increasing by \$200 the pensions of injured workers, and this is going to apply to about 40,000 individuals. This is going to add \$1.5 billion to the unfunded liability at a time when the WCB, as I've indicated before, is already experiencing a negative cash flow.

Let's take a look at experience rating. This was another area, by the way, where the PLMAC process had reached a consensus agreement as they had in the purpose clause. Unfortunately, the government in Bill 165 has ignored the consensus on these issues and it has forged ahead with its own agenda.

What they plan to do is that a new section of the act will require the board's existing experience rating program be modified to measure such matters as the employer's health and safety, vocational rehabilitation and re-employment practices and procedures.

What's going to happen here is that the experience rating scheme, which was the last opportunity for business to control the costs of the system through positive performance-based measures, is going to be stripped of the ability to do so. At the present time, the experience rating plan provides a thoughtful performance-based system to measure performance. It offers a balance between collective liability and employer accountability.

The PLMAC business caucus in its 1993 report of

November provided resounding support for experience rating, and it said, "Experience rating has been an unqualified success and it has achieved its primary goals of reducing the frequency and severity of workplace injury and enhancing the level of individual liability," yet the government proposes to actually repeal the sections of the current act allowing experience rating. This will mean that refunds may be eliminated, that surcharges may be increased through purely subjective investigation by the WCB. The move in the amendments undermines the integrity of experience rating, and again it provides the board with unsurpassed interventionist powers.

This is not needed, it is not warranted, and I will tell you, it is totally counterproductive. It is counterproductive to establishing a good, cooperative relationship within the workplace, a relationship which should be established between the employer and the employee, because we now have the WCB given these unsurpassed interventionist powers.

Unfortunately, this type of government interference, this type of government intervention is going to damage our competitiveness because it is not going to make Ontario an attractive place to invest dollars. I would suggest to this government that you leave it alone. You should not be undermining the integrity of a proven, workable program: experience rating. You're making a terrible mistake by making these changes.

I've talked about the bill. I've talked about what's wrong with the bill. It's important that before I conclude my remarks, I spend a little time talking about what should be done.

Our party has been investigating. We recognize that the priority needs to be to eliminate the unfunded liability in this province. We recognize that if that's not done, there may not be future benefits for the injured worker in the system. We also recognize that the system's not working. It is not responding to the needs of injured workers. It is not responding to the needs of the employer community.

You only have to go into the constituency offices of the 130 MPPs across this province to know that the system's not working. Each day, our staff receive hundreds of phone calls from employees who are having great difficulty processing their claims through the system. The system unfortunately at the present time is mismanaged. It takes a long time to deal with claims and, unfortunately, there often is no response when the injured worker asks for information about the status of his claim.

Something needs to be done. We need to deal with the mismanagement; we need to deal with the unfunded liability. Unfortunately, the bill before us is probably not going to deal effectively with either those issues.

The Premier, I would suggest, should have continued to work with the PLMAC group. He should have taken a further look at the report that was tabled by the business caucus. There were excellent initiatives in there that had been supported and need to be looked at.

Number one, we must eliminate the unfunded liability. The government's revised target of \$13 billion in the year 2014 is a betrayal to the business community in this province which has been subjected to increasing rates of

assessment in spite of the fact, I might add, that we have seen declining accident rates.

We cannot continue with this high unfunded liability. We need to recognize that it is unfair to pass on to the next generation of workers and business the cost of today's accidents. We need to take a look at applying the Friedland formula to all claims. It would be consistent with other public and private sector pension schemes.

We should support the reduction of benefit replacement levels to 85%. We know that at the present time compensation at 90% of net earnings does lead to overcompensation. Manitoba has taken action. New Brunswick and Newfoundland have all taken action to reduce the benefit levels.

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We need to take a look at reducing the cost of the FEL awards, the future economic loss awards, by 15% to 40%.

We need to redefine "accident." This is absolutely essential. We need to ensure that in the definition of "accident" employment is the dominant factor, because the workers' compensation scheme is an accident insurance scheme. It was designed originally, 80 years ago, to compensate for injury caused by accident in the workplace, and yet we've moved away from that definition to the point where we now compensate almost everybody for almost everything. The system was never intended to do that. We need to redefine "accident" and make sure that employment is the dominant factor.

It's time for this government to show leadership. It's time for them to introduce reforms that are going to deal with the unfunded liability. There will have to be tough decisions made. They will need to be taken now. I would encourage the government to redraft the reform plans. I would encourage them to make the right choices in order to protect the system for injured workers in the future.

In conclusion, it is obvious that the reform plans of the government ignore the depths of the problem facing the Ontario Workers' Compensation Board. What this government is doing is simply putting off to another government, putting off to another day, the true task of reforming the system. At a time when this government had the support of both labour and management, at a time when, I can tell you, business was truly committed to working with the government, it ignored the need to make and take courageous political action. What the government has done—and I said it when I began. I believe they're looking for a quick fix. I believe that what we see here today is a government putting its political agenda ahead of the interests of the total workers' compensation system.

Unfortunately, the government still doesn't recognize, and continues to deny, that the WCB system is in extreme financial peril. They have not done what the other provinces have done; that is, put the system on a sustainable financial footing for the future. I would urge them to do so.

Mr Kimble Sutherland (Oxford): Once again we have the member from the third party talking about the Workers' Compensation Board and about putting it on a stable financial footing, and once again I want to come

back and look at the history of the Workers' Compensation Board.

What was the unfunded liability in 1980? It was only \$400 million. What was it by 1985? It was \$6 billion. What was it by 1990? It was \$10 billion. They talk a good line about putting it on a solid financial footing. The history is that they could not manage the Workers' Compensation Board.

So how do they want to do it now? How do they want to deal with the problem? Put it all on the backs of the injured workers: "It's all the injured workers' fault. They're getting too much money."

They don't take into account the fact that if you're an injured worker and you are contributing to a pension plan you may lose all your pension benefits; that if you're an injured working contributing into CPP you're not able to contribute that. So what happens when you're retired and supposed to be supporting yourself? They don't take that into account, that people lose out on all those things. No, just penalize the injured worker. That's the very simple solution—or even more, privatize it: "Yes, we'll get the private sector in and that's going to solve everything."

I will compliment the member for Mississauga West, because I think he dealt very effectively with the concept of privatizing the Workers' Compensation Board. Of course, whenever I hear about privatizing it, it would seem to me, "Fine, if you want to do that, then are you going to give workers the right to sue?" I mean, it was a Tory government in 1914 that brought in the Workers' Compensation Board and supported it. But you have no track record on managing it, and the increases in the unfunded liability from 1980 to 1985 prove that. It is this government and only this government that is taking the decisive leadership to solve the financial problems at the Workers' Compensation Board.

Mr Steven W. Mahoney (Mississauga West): While I didn't hear all of the speech, I have spent time with the critic for the Conservative Party on public platforms debating this and I know that there are differences between my party's position and the third party's position and clearly differences between our position and the government's position. But one thing I do know is that we all agree there is a serious problem.

When I heard the member for Oxford, it reminded me a little bit of the Speedy Muffler commercial about everyone pointing about whose fault it is and who's to blame for the taxes and it takes the guy from Speedy Muffler to come along and say, "No GST," or "No PST," or whatever, and settle it down. A little bit of a comical commercial and one used to promote the products of Speedy Muffler, but it raises a point.

The point is that if there has ever been an issue, and I say this as someone who generally is regarded as fairly partisan from time to time, it's that we've got to stop this kind of stuff, accept responsibility from all three parties in this place for varying degrees and various levels of allowing the WCB to grow to the point where the unfunded liability is \$11.5 billion. Blaming the Tories or blaming Bill 162 under our administration does in no way release this government of the obligations to fix it today, because you have the limos, you have the control, you

have the power. What we're saying, just one simple example if you want to talk about a simple opportunity that would send the message: the purpose clause, where you refuse to include a statement about running the board in a financially prudent manner. You claim it's somewhere else in the act. Why don't you put it in the purpose clause? You will simply answer and, in my view, quiet down those who criticize you for not doing that.

Mr Arnott: I'm pleased to rise very briefly and compliment the member for Waterloo North on her fine presentation this evening. I was here to listen to the whole speech and I thought she did an excellent job of summarizing the points that she has put forward on behalf of our caucus, as our Labour critic for the last number of years, constructive proposals. She's always been very constructive and very positive in her suggestions to the government over the last three and a half years that we've been here. She's never been critical of the government without offering a constructive alternative, and I want to commend her for that.

I agree with the member for Mississauga West when he said that it's time ultimately that we all assume some measure of responsibility, the three political parties, having governed this province in the last 15 years, some measure of responsibility and accountability for the workers' compensation system. Certainly the New Democrats have been in power for the last three and a half years and they have to assume their share of the responsibility for the problems that are there.

The member for Oxford in his hysterical way, frankly, tried to just blame everybody but the New Democrats for what's happening at the Workers' Compensation Board, as seems to be his normal bent.

Mr Sutherland: If you want to distort the facts, that's fine. But the record speaks for itself. You never dealt with it.

The Acting Speaker (Ms Margaret H. Harrington): Order.

Mr Arnott: No, the facts are the New Democrats have been in power for about four years and this bill, which makes some changes to the Workers' Compensation Board, does not address the fundamental problem that we see from our side. We want to see the benefits available for injured workers in the future. We want to see assurance of that and we're very concerned that if the unfunded liability problem is not addressed, then the future pensions of injured workers may very well be jeopardized. This bill does absolutely nothing to address the unfunded liability problem.

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In 1984, the Workers' Compensation Board did have a plan to address over time the unfunded liability problem, and the expectation was that it would be gradually reduced to zero over a period of 30 years. Since that time, there have been a number of changes in policy at the board which have meant that the unfunded liability is going to be extensive in 2014 if indeed some changes are not made.

I look forward to speaking further on this issue later on in the debate.

Ms Sharon Murdock (Sudbury): I listened to the member mostly on the television set while I ate my dinner and, as usual, she always works hard in doing her preparation for this, but I want to address one area that I think needs some clarification, both from what she said and from what I've been reading in my own remarks in Hansard.

It's in section 103.1, which is the section on the experience rating. Based on what the member was saying, the clarification needed is that the established experience rating programs that are already there will now encourage employers to reduce injuries, I think, and occupational diseases, promote vocational rehab and encourage return to work. It's added in Bill 165, and it lists the factors that the board must consider in determining whether a refund is available or whether there should be a surcharge.

Those factors are the employers' health and safety practices and programs, the employers' voc rehab practices and programs, the employers' return-to-work practices and programs, or such other matters that the board may determine appropriate.

Experience rating will still continue to measure the employers' accident costs, and I think that needs to be made absolutely crystal clear. The programs will be modified to include the health and safety programs. I think that's 103.1. Certainly, that's what we're hoping it says.

In regard to some of the others, there are savings immediately to the unfunded liability of \$828 million as soon as the Friedland formula is established. We are concerned about the unfunded liability, and we agree with you; it cannot continue to go on the same way, and that's why we're bringing in these reforms.

The Acting Speaker: The member for Waterloo North has two minutes to respond.

Mrs Witmer: I thank the participants from Wellington, Mississauga West, Sudbury and Oxford. I think I would agree with a couple of the previous speakers. I don't think it helps to lay blame. We have an unfunded liability. The unfunded liability needs to be retired. My concern is that within Bill 165 there is no long-term plan to totally eliminate the unfunded liability, and I am certainly very concerned about that, as is the Provincial Auditor, that there is no-term plan, because again, I come back to the number one concern. If there is no money, if the system goes bankrupt, we cannot help the injured workers in the long run.

I would hope, in conclusion, that all three parties will continue to work together. I would hope that the Premier would go back to the business community. I hope that through cooperation, through taking another look at the reform package that we have in front of us, the government will realize it needs to balance what it's put in front of us here with the information that it has received from the business caucus, because to bring forward a bill such as it has without taking into consideration the need to address the fiscal crisis will not help injured workers in the long run. I hope the government will be willing to listen to all sides of the debate this summer as we head out and have our public discussions in the forum provided for us.

Mr Allan K. McLean (Simcoe East): On a point of privilege, Madam Speaker: I wonder if you could clarify the rules for me. I observed that there were four people who spoke. They had two minutes each. I understand that there are 10 minutes for questions and answers from members. That was not allowed, and I'm wondering if there simply are four people who are allowed to speak. If not, then I would appreciate your letting me know.

The Acting Speaker: I certainly will clarify. We have four participants in questions or comments and then the member who has debated has two minutes to reply. Further debate.

Mr Gilles Bisson (Cochrane South): It's with a certain amount of anxiety I can say that I've been waiting for an opportunity to comment on this debate in regard to Bill 165, an act that will seek to amend certain sections of the Workers' Compensation Act.

I want to say up front, because it seems to me it's been forgotten in this debate, what the Workers' Compensation Board is all about. I've listened to the critics of both opposition parties with interest in regard to their interjections and their thoughts about what they would do if they held the levers of power at the Workers' Compensation Board. Some of the comments they made and some of the ideas they raised, quite frankly, are sound ones, but I think we've forgotten a very important point as to what the Workers' Compensation Board is about, and that's injured workers.

I want to remind people, especially those employers watching, that the worker who goes out and gets injured at work does not do so because he or she chooses to do so that morning; it's because it's an injury of work.

Mr Anthony Perruzza (Downsview): Hear, hear, Gilles. You tell them. Okay, wake up.

Mr Bisson: I think we need to remember that.

I get a little bit nervous when I listen to some, especially the Conservative members, talk about a way of solving the problems at the Workers' Compensation Board, solving the unfunded liability by way of reducing benefits to workers. I think we all recognize that there's a severe problem at the Workers' Compensation Board; we can all agree. But I think we have to remain fast, and we need to remember what the Workers' Compensation Board is all about, and that's in regard to injured workers.

I know that all members in this House, all 130 of us including the Speaker, deal with the Workers' Compensation Board, if not from time to time, on a very frequent basis in our constituency offices. I find it highly interesting that some members can come into this House and speak about the Workers' Compensation Board and speak about the act the way they have, especially when they're out there representing injured workers in their own constituency offices. So I find that somewhat interesting.

I can say, coming from the riding of Cochrane South, from the community of Timmins more specifically and Iroquois Falls-Matheson, that the Workers' Compensation Board is probably the one issue that everybody can agree on that they don't like. If I speak to employers, if I speak to injured workers, everybody's mad at the Workers'

Compensation Board for different reasons.

I can tell you, as a person who worked in industry, there are many workers out there who have been injured over the years who have had extreme difficulties in trying to get their claims adjudicated through the Workers' Compensation Board in a fair and efficient manner. That is added to a whole other issue, which is that when workers get injured and they find themselves unable to return to work because of the injury and at the same time are having difficulty with the Workers' Compensation Board in regard to their benefits, it brings on a whole bunch of other stresses within that household that sometimes we forget about. I think we should think about it, what it means to the family.

I deal with a number of people in my constituency office who are legitimately injured workers. There's an accident, it's been reported that there's an accident, the employer agrees there was an accident—obviously the employee agrees; the employee's got the injury—and the doctors agree that there's an accident. But for some reason within the Workers' Compensation Board there are either problems accessing voc rehab services—for people who don't understand what that is, that's a portion of the act that attempts to rehabilitate the injured worker if he or she cannot return to their former job or there's a problem with their benefits.

I don't know about you, Madam Speaker, but I do know that what most injured workers I talk to, the vast majority of them, seek through the Workers' Compensation Board is simply this: a fair compensation for their injuries, should they become injured; that if they become injured, first of all, some rehabilitative services be done medically in order to be able to return them to work, and if they're unable to return to their former job, that some sort of voc rehab services be provided so that they can return to work, and 95% of injured workers want exactly that.

Yes, and I will say it, there are those people out there who would want to take advantage of the workers' compensation system, but they are not the majority. I know some people watching out there will say: "What do you mean, it's not the majority? Certainly all of the injured workers out there are out there because they want some kind of a pension." Not so; 90% of injured workers out there, I would say, are people who have been legitimately injured at work and who find themselves in a very difficult situation at times with the Workers' Compensation Board.

This brings us to this act. I think in fairness to the former Liberal government, it had tried to deal with the problems at the Workers' Compensation Board through another act that I'm not going to get into a lot of debate about, but what they sought to do is deal with the unfunded liability. What they basically did was find ways of massaging the benefits to injured workers through a deeming process and through a different system by which we would approach compensation if a person became injured after 1990. That's what we would refer to as the future economic loss system and the non-economic loss system.

What they were trying to do was actually not a bad

idea. What they were trying to do is find a way that if an injured worker becomes injured, he or she is rehabilitated as quickly as possible and returned to work. That in itself, I think, we can all agree is what we want to do.

2000

The unfortunate part is that we ended up, through a deeming process, having a system that is a subjective way of assessing benefits to a worker or what a worker is or is not able to do. Consequently, we are seeing now the effects of that through our constituency offices and all other advocates out in the province, the unions out there that represent injured workers, the Ontario worker advisers. We have a number of workers out there who are not being fairly compensated for the injuries that they sustained at work.

What we're trying to do under Bill 165 is form some interim measures in order to deal with some very difficult problems at the board at the same time that we're able to refer to the royal commission on the Workers' Compensation Board some very difficult issues about how we approach the overall problem at the board. Because what has become apparent, I think to all of us in this House, is that the Workers' Compensation Board over the years has become an extremely politicized issue.

When members talk about the Workers' Compensation Board in this province, I think what we need to remember is that when you look at the same debate in other provinces, it doesn't have the same amount of political fervour within the debate that we have here in the province of Ontario. Because of that, it's been extremely difficult in this province, under the administration of the Davis government and Mr Grossman under the Conservatives, under the tenureship of Mr Peterson under the Liberals and now under the tenureship of Mr Rae, to try to bring together injured workers and employers together at the same table to try to address some issues that they both agree need to be fixed. So what we set out to do in 1990, and what leads to Bill 165, was to do exactly that.

We've always believed, in opposition, and we believe now, that what we need to do to be able to solve the problems of the Workers' Compensation Board is not to try to dictate to the board what needs to be done, through government, but to find a way to empower both the workers and the employers to be able to work together in order to solve some of the very difficult problems at the board.

So what we did is we reappointed the board in a way that it was an equal representation from both the injured workers' groups, through unions and other organizations, and the employers. Lo and behold, that group came together and started dealing on some very difficult issues, some of which are contained within Bill 165, and some other issues that I'll talk about later that were referred out to the royal commission.

The point that I'm making here is that even after three years of work on a fairly non-partisan—there's a certain amount of partisanship on that board. Employers come to the board with a certain expectation in regard to dealing with some issues that are important to the people they represent, being the employer; the same as the issues that injured workers bring to the board through their organiz-

ations in regard to how they see the board should be run. But overall, both those groups try to struggle with some very difficult questions.

I think the biggest question we have to ask ourselves, other than the whole question of how we deal with injured workers in a fair manner, is the question of the unfunded liability. That debate has been going on in this province way before we came along in 1990. But since 1990, and under the direction of Odoardo Di Santo and Brian King, the board has tried to deal with the whole question of the unfunded liability in a fairly progressive way. What we have found is that after a lot of hard work on the part of the board and on the part of Mr King and Mr Di Santo, there has been quite a bit of movement on being able to deal with that whole issue.

I want to say before I go any further, before I forget, because I wanted to say this in the debate: I think that Mr Di Santo and Mr King have been done an extreme amount of disrespect on the part of a number of people within this province in trying to assess the problems of the board squarely on the back of Mr Di Santo and Mr King. In all credit, the work that Mr Di Santo did and Mr King did was to try to bring the parties together to deal with some of these very difficult issues, knowing full well that where they were going with the solution to this problem was to form the board in an entirely different way that it wouldn't be meddled by with politicians. In the end, they would lose their own jobs.

If they left the board, it is not because the Premier of the province gave them the big boot. It's because, under their direction, they recognized that we had to change the makeup of the board, and that the board chair had to be appointed by the board and not be a political appointment of the governing party. Mr Di Santo, with his leadership, managed to get the board to deal with that issue, and that is why Mr Di Santo is not there; not because he got the boot, but because he understood from the very beginning that we have to find a way to depoliticize the board. Yes, there will always be some politics, but we have to find a way to stop playing the politics around the Workers' Compensation Board and deal directly with the issues.

What we have in fact when they started dealing with the unfunded liability is that they've managed over their direction, what Mr Di Santo and Mr King did directly, outside of Bill 165 and outside of everything else that's been done, when we took power in 1990 as a New Democratic government, the unfunded liability at the Workers' Compensation Board was somewhere over \$9 billion. I'm not going to get into talking about how much it was under the Liberals or under the Tories. I think we all accept that we've all had a hand in this thing. Governments have had difficulty in trying to deal with the Workers' Compensation Board for all kinds of reasons and I'll stay away from that part of the debate.

But to the credit of Mr King and Mr Di Santo, through internal measures that they'd done themselves within the Workers' Compensation Board, not by kicking the heck out of workers and telling them to take away benefits from injured workers but finding ways of rationalizing how we perform the work at the Workers' Compensation Board and how the board itself is organized, they man-

aged to reduce the rate at which the unfunded liability was growing. And today we find ourselves, yes, with a higher unfunded liability, somewhere over \$11 billion, but if they had not done what they had done at the beginning of 1990, the unfunded liability today would be anywhere from \$2 billion to \$4 billion higher than it is now, depending on whose numbers you want to believe.

So I think we need to be fair to Mr Di Santo; we need to be fair to Mr King. They did an extremely good job at the time they were at the board in trying to deal with that issue, recognizing that for quite different reasons both employers and employees wanted the whole question of the unfunded liability dealt with in a different way. Employers wanted it to come out of the benefits to workers; workers wanted it to come off other ways, including increases in assessments. What Mr Di Santo did was to balance the interests of both the workers and the managers in being able to find a way to deal with the unfunded liability.

The problem has not gone away. We know that if for some reason nothing were to happen from this point on, the unfunded liability at the board would increase over the next number of years. So that is why Bill 165 is being brought forward as one of the interim measures that this government wants to take in order to reduce the rate at which the unfunded liability is increasing. And what this bill will do, because of a number of things having to do with better and clearer direction about how the board is going to be run, the question about the Friedland formula in regard to the indexing or deindexing of benefits and a number of other measures found within Bill 165, is we're going to be in the position where the unfunded liability at the board will be reduced by \$21.6 billion over the next about 20 years, in a ballpark number. That's pretty significant savings.

When I hear members in this House rise and talk about how this government is not taking any action in dealing with the Workers' Compensation Board, I would remind them of two things. First of all, it is a highly politicized issue. Employers and employees are trying to drive the board in different directions at times for quite different reasons, and what we need to be able to do is, like I say, as the second part, is to try to find a way to bring those two parties together because in the end you have the one group that pays the benefits and on the other side you have the group that receives the benefits, and somehow or other we've got to bring those two together so that they work a little bit closer together.

So I think what the bill does in regard to the unfunded liability is approach the question of the unfunded liability in a fair manner and not à la Ralph Klein in Alberta or what they've done in Nova Scotia and other provinces where they've attacked the unfunded liability issue by strictly going after the benefit of injured workers. What we're trying to say in the province of Ontario is that, yes, we need to find ways of dealing with benefits in a way that they're not abused, but certainly we cannot be in a position in this province where we start taking away benefits from injured workers who legitimately deserve those benefits, because if that's what the Conservative members and the Liberal members are talking about, I

certainly want to be no part of that because I see first hand the people in my riding, the people of Cochrane South who have been injured over the years working in industry who have had a great deal of difficulty in dealing with the board.

Some people would believe that all kinds of people are receiving all kinds of money in regard to the Workers' Compensation Board. I need to bring you into my office on a Friday and Saturday morning when I do constituency appointments and you'll find that's not the case, that a lot of people are still trying to get what they justly deserve through the Workers' Compensation Board.

2010

What we've done in the act is simply this: We've approached the problem from a couple of points. The first thing we're doing in the act, is what should have been done back in 1914 when this act was put in place, and that's to put in a purpose clause. I can't believe that in 1914 the workers of this province got coverage under the Workers' Compensation Board in exchange for not suing their employers and when we put the act in place, we never put in a purpose clause. Unbelievable. How we ever got into that I don't know.

I'll read just quickly what the purpose clause says for those people who don't have the act and may be watching at home—and I would note that I'm competing against Stanley Cup hockey tonight. It's the final game tonight.

Ms Murdock: That's why there's nobody in the opposition except one lonely soul.

Mr Bisson: Nobody's watching, in other words.

The purposes of the act are "to provide fair compensation to workers who sustain personal injury arising out of and in the course of their employment or who suffer from occupational diseases and to their survivors and dependants." I think that's fairly standard. We need to recognize that's what the act is all about, and why we want that in the purpose clause is, we want to make sure that we always remember that. We always remember at the end of the day that the Workers' Compensation Board is there for exactly that.

The other thing that we're putting in the purpose clause is, we're saying that it has "to provide health care benefits to those workers," should they need them, and "to provide for the rehabilitation services and programs to facilitate the workers' return to work."

Now, we already have rehab services within the present act, but we want to make sure in the purpose clause that we set that straight in the purpose clause. One of the main things that we wanted the Workers' Compensation Board to do is not to pay benefits and leave people at home, but we want the benefits going towards trying to rehabilitate the workers and getting them back to work. I'll get back to that in a few minutes.

So the purpose clause, simply put, is in order to set out clearly what the direction of the act is about and to protect injured workers in regard to having anybody interpret the entirety of the act in a different way than what it should be all about, which is providing benefits to workers in the event they become injured.

The other thing the act does is deal fairly directly with the question of voc rehab. Again, "voc rehab," I'm speaking as a WCB person here. Voc rehab is about providing training to an injured worker. One of the problems we have right now—and a lot of people don't recognize this. I'll give you a fictitious example. I'll pull out of my memory a particular case that I've seen in my constituency office.

An injured worker gets injured. Working in a mine, he gets injured and finds himself under a doctor's care because of that particular injury. Often what happens with the injured worker is that for some reason or other, because the board is dealing with close to some 400,000 claims per year—373,000 claims last year—the board forgets about the injured worker and the injured worker is left at home under doctor's care for six months, eight months, 12. I've seen it up to over two years on total temporary disability—that means 90% of predisability income—without ever the Workers' Compensation Board popping their head out of the woodwork and saying, "Oh, my God, we have an injured worker here and we've got to do something about it."

Is that entirely the fault of the Workers' Compensation Board? To be fair, I guess it is, in a sense. You don't have enough people to administer the act is basically what it comes down to, in regard to the number of people who are in need of benefits, who get injured every year. But one of the big problems we have is that there's no check and balance in the system in regard to the rehabilitation part of the act.

There is no onus upon the employer to make sure that voc rehab services are offered to the employee to get that employee back to work. The one thing we've learned, and I think we've all learned this as advocates of injured workers, is that if the worker becomes injured today and the injured worker goes off on doctor's care, the faster you can get that worker either back to school or, preferably, back to his original employer, the better it's going to be for everyone, including the injured worker.

The problem is, once you leave somebody out there and the Workers' Compensation Board forgets about that worker for a long period of time—I'm going to say it—it gets fairly easy to develop some bad habits. If I leave anybody at home with 90% of predisability income for long enough, it gets to be a pretty good thing. Now, don't misunderstand what I'm saying. It's not everybody out there in that situation, but it does happen.

Then, the Workers' Compensation Board, the employer and the advocate are stuck there trying to deal with an injured worker who has really deteriorated when it comes to attitude and returning back to work. Then it becomes a heck of a job to try to remotivate the worker to get back to work. By then, the employer doesn't want to take the worker back in the first place, because if they did want the worker back, they would have been trying to do something about it a heck of a lot sooner than two years after the occurrence of the accident. I'm not saying that happens in every case, but it happens in a number of them that I've seen.

What you've got is that under this act we're saying there's going to be not only onus but responsibility on the

part of the employer to make sure that voc rehab services are provided to the employee, and if voc rehab services could be offered within the workplace that that be done, and that the Workers' Compensation Board support the application of the employer when it comes to being able to retrain the worker to do another job if he or she becomes injured.

I'll give you a good example. I don't want to use the name of the company because it would be unfair. It's a present case that I've got in my constituency office. The injured worker is a raiseman. A raiseman is a person who drills. In a mine, a raise is like a shaft going upward. The injured worker is a raiseman. He had injured his heel some years ago falling down a raise, unfortunately, while doing his work. He has been able to continue on his job as a raiseman for a long time with the injured right heel that he had because the partner that he had for those years was helping him along, wasn't making him climb up and down the manway two or three times a day with powder and drill bits and the rest of it.

What ends up happening is that the worker works with this particular partner for a number of years, and all of a sudden, the worker, being the industry that it is, finds another job that's better paid somewhere else and leaves, leaving the injured worker alone for another partner to be assigned later.

The new partner is assigned to this injured worker and says: "No, no, I'm not going to be climbing up and down the raise for you every day. What I'm going to do is I'm going to demand that you go up and down the raise the same amount that I do." Some people would say: "That's only fair. Why should the uninjured worker have to take up the slack of the other guy?"

The injured worker says, "I'm going to go see my mine captain and I'm going to complain that they try to find me another job that I'm able to do because I can't be climbing up and down this raise every day with this problem." It was not only the heel; it was the arch bone within the foot, and he was not able to climb up and down the ladders.

He went to see his mine captain and said, "Listen, if you can give me a job either on the scoop, you can give me a job on a jumbo or you can give me a job even diamond drilling or drilling in a drift, I'm able to do that. I might take a little bit less money in bonus, but at least I'll be working, and I won't have to feel the pain that I've been feeling over the past couple of weeks climbing up and down the raise every day the way that I have." The employer says, "No; categorically no."

The long and the short of the story is that after about three, four months of this and the injured worker going off a day here, two days here, a week there, because of the problem that he's having with his foot, eventually quits the employer because he's not able to do the work any more and the employer is not willing to retrain that particular injured worker.

You can imagine what happened. The Workers' Compensation Board says, "We have no liability to this injured worker because he quit his job." If the employer had at that time tried to rehabilitate the worker into another job, the guy could've kept on working.

The long and the short of the story is that the injured worker appealed the decision and won, because the board recognized at one point that the employer did have a responsibility, because it was the accident employer, to try to provide modified work for this particular employee, and what the employer had not done is provide that part. What this act will do is exactly that.

This particular case—we talk about saving money, and it would've cost the employer absolutely nothing in this case because this guy's able to do work; the difference is he can't climb ladders but he can do all other jobs in the mine pretty well—is that if the employer had done what he should've done at the very beginning, the amount of money that we've paid to the Workers' Compensation Board through the appeals process, the amount of money that we spent through the whole voc rehab because we had to send the guy off to college for two years, and the amount of money that we spent in job searches wouldn't have been spent by the Workers' Compensation Board. That's what the voc rehab services that we're looking at within this act are designed to do. They are designed to say that the employer has a responsibility.

2020

Yes, the employer may not like that. I know most employers in my community, if I go talk to Mr Miraka or Mr Perry or Mr Holmes or other captains of industry—and I say that with respect to the people in my riding—they would disagree. They would say, "Why do we have to become the rehabilitation people?"

The fact is, and they may not like this, that if somebody's working with your employee and gets injured you have a responsibility. The employee is not allowed to sue because of the act and the employer does have a responsibility. I would say that it'll be cheaper in the long run. We need only to look at Kidd Creek and Falconbridge mines in my community, which have had a fairly good record of rehabilitating workers over the last 20 years in my community. They've managed to keep their assessment at the board down by doing exactly that; by doing what this act is calling for. They're doing it in different ways and I have some problems about how they've approached it at times, but that's for another day. But what they've basically recognized at that particular employer is that it's far better to try to rehabilitate the worker directly back into the workforce without having to put the worker on benefits if at all possible. That's what we attempt to do under the act, and that is going to save a lot of money for the workers' compensation system over a number of years.

I've only got about five minutes so I'm not going to be able to go through all of this, but one of the other very important components of what this act does is it deals with the whole question of structure and how the board is going to be governed. In the past, this is how it worked: If you were elected as a government in 1990 as New Democrats or as Liberals in 1985, 1987, and as Tories before, you appointed the chair of the board, and the chair of the board basically carried out the dictates of what the government decided to do at that time when it came to the Workers' Compensation Board.

Quite frankly, that is one of the reasons that we find

ourselves in the mess that we're in now. I remember an election campaign fought in 1981 or somewhere in the early 1980s with the Tories where they increased assessments to injured workers, the amount of money received, in an attempt to be able to appease workers before going into an election, and they did that because they had the control of the board. Clearly, you don't do it for those reasons. If injured workers are entitled to money, you give it, but you don't do it for political reasons. I don't think that's the way that should be dealt with.

Anyway, what we're doing is, we're saying, "No, we have to change the system and we have to get away from the politicizing of the board as we have it now." What's going to happen under the act is that Bill 165, when it comes into law, over a period of time, about six months, you're going to have four directors who are going to be appointed from workers through their unions; you're going to have four directors who are going to be appointed by—I've got to say, not appointed by the government—four worker representatives and four employer representatives as directors appointed by their own peers. What that means to say is that it's not going to be the governing party that influences who's going to get on; it'll be those people responsible for making those appointments. There are going to be two directors who will be appointed by the Lieutenant Governor in Council from the general public and there are going to be two vice-chairs appointed, one by the worker group and the other one by the employer group.

What you've got right now is a bipartite board structure. What that board's going to do in the end is go out and hire the person to run the Workers' Compensation Board, not the government. What that's going to allow us to do for one of the first times is to clearly give a mandate to the person responsible to the Workers' Compensation Board to carry out the gist of what we have not only within this legislation but what the board is all about: maintaining an equitable system when it comes to dealing with injured workers and their injuries in regard to compensation and at the same time dealing with the financial issues of the board.

The other part of the act and what it's going to do is that it's going to for the first time include a memorandum of understanding within the act that says basically this: Every five years the board has to enter into a memorandum of understanding with the Ministry of Labour in order to set the policy that the board has to go on in dealing with certain issues. One of the things that's never happened in the past is there has never been that kind of undertaking. I think the last time there was an agreement signed was back in 1982 under the former Tory government, and we want to put that within the legislation in order to make sure that the board doesn't become a totally independent structure that just goes off and does what it wants. It has to have some direction from the people of Ontario through this Legislature, and that's why it's being included.

Unfortunately there's not enough time to go through the Workers' Compensation Board; God, you can go on a good two hours speaking on the issue. But I just want to sum up by saying this: Let's not forget what the board

is all about. The board is about protecting injured workers in the event that they become injured in regard to trying to maintain their income level. If the injured worker is able to return to work, the Workers' Compensation Board under the system has an obligation along with the employer to return that injured worker to work. That's what we need to be able to do. But in the event that that doesn't happen, we've got to remember that there's a responsibility. I think we need to be careful when we start talking about trying to balance unfunded liabilities by way of ratcheting and taking away benefits from injured workers, because they're not the ones who created this problem; they are just injured workers, simply that. They are people who happened to get up one morning, went to work and got injured or were killed, and for that they should not be punished.

Mr Bruce Crozier (Essex South): It may be because of the lateness of the day or it may be because we get more mellow as we go on, but I do agree with a number of things that the member for Cochrane South has said this evening. I think he's spoken well on behalf of the government to this bill, albeit we may disagree on some things, but I appreciate the attitude which he has given. There's only one thing that shocked me, and that was that he said he remembered an election in 1981. Frankly, I didn't think he would be old enough to remember that.

In any event, I look forward to the rest of the debate. You'll notice why I'm looking forward to it, no doubt. I just thought, while I was sitting here looking across, if 12 or 13 of you would leave, I would have the province in the palm of my hand.

Mr Perruzza: I want to commend the member for Cochrane South for his very enlightened comments with respect to the bill and the issue that's before the House. However, I want to pick up on a point that he made about what the function of the Workers' Compensation Board is in his view. Reflecting on that, I just simply want to pick up on a comment that was made earlier by the Liberal member for Mississauga West, Mr Mahoney, and expounded on and broadened by the Conservative member and Conservative critic Mrs Witmer.

The Liberal's comments were this: that in his view the primary function of the board is a function that is employer-oriented, employer-g geared and simply to serve the interests of the employers. I just want to remind both him and the Conservatives that the Workers' Compensation Board was built and created to serve not the functions of the employers but the functions of the workers, the people who were in the mines, who were involved in logging, who were involved in railway construction, who were involved in the heavier industries, who were getting hurt on the job, who were suffering injuries and not being compensated. That's why the Workers' Compensation Board was created, essentially to serve that interest. I'm saddened that hasn't made it into their comments and their participation in the debate.

Mr Larry O'Connor (Durham-York): I want to comment just briefly on the member for Cochrane South. When we get into this Legislature it's far too easy to get wrapped up in the rhetoric of, "Well, the government doesn't do this good enough; the government doesn't do

that good enough." The member presented, I thought, a very focused participation in his time on the debate. He talked about the bipartite sense of the reforms, that it's going to allow the WCB to remain at arm's length from the government, with a stronger sense of the rehabilitation element. That was lacking. He talked about what was lacking in the purpose clause. The sense that the WCB should focus on getting injured workers back to work, that's a very important sense.

He probably could have spent a little bit more time on the fact of the \$200 a month that was increased to our most vulnerable injured workers, the ones who had been injured years ago. He could have spent a lot more time dealing with that, because I know that the opposition isn't going to talk about the needs of those older injured workers that this government recognized.

We hear about the unfunded liability that started—we first saw it when the Tories were there, and it grew. For half a decade it just grew, and then the Liberals. We're actually trying to do something with that. I think that he could have gone on at length about that, but he didn't because he wanted to focus on what the Workers' Compensation Board was about. It's dysfunctional; it's not working. So we've got a royal commission studying that.

I would be misleading the Legislature if I was to say that the injured workers in my riding are completely happy with the reforms that have been proposed. But they're pleased at the fact that a government recognized that reform is necessary, and that's what the member for Cochrane South focused on.

2030

The Acting Speaker: We have room for one further participant in questions or comments. If not, the member for Cochrane South has two minutes.

Mr Bisson: Good. I have two minutes plus two minutes; it gives me four.

I want to, first of all, thank the member for Essex South for his contribution. You asked if I was around in 1981. Yes. If I'm looking younger, it's because of Oil of Olay. Keep them guessing. Remember that commercial? That dates prior to 1981. It gives you an idea that I'm a little bit older.

I'd like to thank both my colleagues on the government side of the House for their comments. Yes, I chose not to speak about other parts of the act, and I could have gone on at length in regard to section 147 in regard to the older injured workers' section of the act. I chose not to do that because I wanted to talk about what the act is fundamentally about.

I know that there are a number of injured workers in my community, I'm sure the same as others, who will benefit. Yes, they are the most vulnerable of the injured workers: the older workers over age 55 who find themselves with inadequate pensions from the Workers' Compensation Board and with inadequate pensions from CPP. There are people out there trying to survive—and let's not forget this; these are real stories—on less than \$1,000 a month, older workers who are out there, injured and unable to return to work. There are people I worked with when I worked at the McIntyre Porcupine Mines and

for the Pamour and Royal Oak group who became injured and could not return to work and are living on less than \$1,000 a month. That is really unfair. One of the things that we tried to do is ameliorate that to a certain extent.

I say again, let's not forget the purpose of the act: The act is there in order to provide for compensation in the event that a worker becomes injured. How the Workers' Compensation Board deals with that clearly has to be a system where we try to rehabilitate the worker almost immediately. The quicker we can rehabilitate the worker back to his or her former employ, the better off we're all going to be. It's going to be better for the injured worker, better for the employer and better for all of us.

Mr Crozier: I rise this evening to speak on Bill 165, the act to amend the Workers' Compensation Act. I fully realize that this evening may be one when many of our constituents, although they may be interested in the debate that we have this evening, may have reason to flip away from our debate on occasion, so I assure you that this side of the House will not call for a quorum should we slip below that.

Mr Len Wood (Cochrane North): They're all watching the hockey game.

Mr Crozier: That's exactly right. Or, if they are wrapped up in the stimulating debate that we have going on, I'm afraid during the call for the quorum they might switch and then we'd lose them.

In any event, I don't think that in any way diminishes what it is that each of us has to say. I think that, if not for my own benefit, it may be for the benefit of some of those who are with us that we do take a little look at where we have been. It's been mentioned on occasion through the debate today, but I think it deserves repeating, mainly because when I prepare my notes I have no idea what someone else is going to say and therefore I don't know whether I'm going to repeat it.

It has been said and, as I said, it deserves repeating, that workers' compensation as we know it had its beginnings in 1910. Sir William Meredith has been mentioned on occasion. He was appointed by the provincial government of the day to inquire into the laws relating to the liability of employers to make compensation to their employees for injuries. At that time, he studied, of course, other systems that were in existence and found that compensation systems had one major flaw in that they tried to place the responsibility for the accident and the cost involved on either the worker or his employer and this led to litigation. That then was one of the reasons that he tried to define and form a workers' compensation act that would address that problem.

It's been said a number of times today that we shouldn't put this liability on the worker, nor perhaps should we put it on the employer, but what we're all trying to do, I think, is to come to a reasonable solution to what has grown to be a rather difficult problem.

In any event, it was Sir William Meredith who founded the Workers' Compensation Act on four or five basic principles:

The no-fault principle, that being that the first principle completely disregarded the question of negligence, except

for cases where a no-fault injury or a serious disablement was solely attributed to the serious and wilful misconduct of the worker.

The next was statutory benefits. The second principle emphasized that following an accident, the need of an injured worker was the most important consideration. I hope that we have unanimous support for that finding. The test for this need was based on the worker's ability to earn full wages for more than seven days after the accident.

The third principle was collective liability. It indicated that compensation costs rest solely on employers, who are collectively liable, except, in those days, for railways, publicly owned companies and municipal corporations, which were all individually liable.

The fourth principle designated that a three-member commission be appointed by the Legislature to administer the act's provisions. Workers' compensation in Canada is based on a historic compromise whereby workers give up the right to sue at common law in return for a comprehensive, no-fault, public compensation system. The principle of collective liability must be adhered to whereby in return for freedom from lawsuits brought by workers injured on the job, employers—

Mr Duignan: Employers don't starve.

Mr Crozier: —bear the burden of occupational injuries and disease collectively by paying assessments into a central fund.

Please don't distract me because this will take longer and then we'll all miss what we're trying to get at.

Mr Duignan: You're not making any sense.

Mr Crozier: I'm sorry if I woke you.

Mr Duignan: You haven't made sense since you started. Is this another Liberal flip-flop that's going on?

The Acting Speaker: Order.

Mr Crozier: I can wait as long as you can. I'll let the clock tick on.

I said earlier I didn't come here in a confrontational manner. We all have the opportunity to speak to these issues. If mine appear to be a little bit boring to someone, perhaps I'm the only one who's learning from it.

Having said that, I'll attempt to point out a few areas of this bill where we may not agree on the specifics, but I think, as I said before, we all should be working towards the same end.

The changes, I think, are the government's attempt to deal with financial and administrative problems at the Workers' Compensation Board, and we all agree that there are problems. There is an unfunded liability that's projected to exceed \$30 billion by the year 2014. We all want to address that unfunded liability, and I think it's been said, at least by the government side and by our side, that we all share, all three parties, in that liability.

Raising premiums to the private sector during a time of increased foreign competition will not benefit us. Business unrest at the present time concerning possible increases in the types of injuries to be compensable, one of them being stress, for example, and the regulations governing workers' compensation—these are all, I think,

common problems that we share, problems that may not be much different, no matter what government may have been governing the province over the last few years.

To address some of these concerns, the government has announced a number of changes to the existing Workers' Compensation Board, including reducing inflation protection for awards to the injured workers except in special circumstances; changing of the chair position at the Workers' Compensation Board to that of president; establishing a royal commission to examine the Workers' Compensation Board's long-term future; formalizing the board's bipartite management structure, and awarding \$200 per month to older workers receiving Workers' Compensation Board awards.

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Bill 165, as we have mentioned, is the legislation that implements a number of these changes. Under the provisions in this act, older workers who had been receiving permanent partial disability pensions will receive an additional \$200 per month, as I said.

Now, instead of remaining fully protected against inflation, workers' pensions will be indexed to 75% of the CPI minus one percentage point. The indexing factor cannot be greater than 4% or less than zero. I have to think back to this afternoon when it was suggested that a computer might be needed for some of this, and yet my colleague from Mississauga West went on to explain it all and I thought he was doing probably as well as most computers could do. In any event, an example is that if the price index increases by 4%, the amount of the pensions is increased by 2%. Removing full inflation protection will reduce the unfunded liability by more than \$10 billion, it's estimated.

Other provisions of Bill 165 include:

—The formal establishment of the Workers' Compensation Board's bipartite board of directors. Even though the board's management structure of labour and management representatives already exists, Bill 165 codifies this situation.

—Provisions that strengthen the Workers' Compensation Board's mandate concerning vocational rehabilitation. Interestingly, one provision in the bill allows for the board to investigate and levy fines on employers who fail to cooperate in the vocational rehab programs.

—The mandating of a memorandum of understanding at least once every five years between the Workers' Compensation Board and the Minister of Labour covering the reporting requirements of the board to the minister and government policy affecting the operations of the Workers' Compensation Board. This provision, we would point out, is similar to the section of the Power Corporation Act in order to achieve some legislative oversight of Ontario Hydro.

I suppose I would be expected to make some criticism of Bill 165. After all, that's why we're here and that's why we're sitting so late this evening, in order that, I guess, you might give me an opportunity to do that. So I hope some of the things that I mention, as I said earlier, in the same vein as our colleague from Cochrane South, are in the best interests of employers and employees and

the Workers' Compensation Board in general.

I would like to say that during the past three years, our leader Lyn McLeod, former Labour critic Steve Offer and the current Labour critic Steve Mahoney have tried to point out examples of bad management at the Workers' Compensation Board, which included the board's rising unfunded liability, premium increases faced by employers and the apparent inability of the Workers' Compensation Board management to get agreements between employers and workers on change. I think we would all agree that that's a difficult thing to do.

When I say the "inability" to do that, I suppose at any time it takes a conciliator with great ability to get workers and employers together on an issue such as the import of workers' compensation.

There's one thing, though—and this was before I joined the opposition—that I wish could be reversed, because it is misunderstood if there is a good reason for it in the general public, was the construction of the \$200-million headquarters of the board in a time of economic downturn. As I say, I wasn't here at the time. I don't know how it got started. Goodness knows, if I bring it up, it may have been started some way that I wouldn't like to hear. But in any event, it's unfortunate that we weren't able to change the construction plans of those headquarters, because it's very difficult for the public to understand in a time of restraint.

The government has suggested that a royal commission be put in place that will allow study of the problems of the WCB. It was suggested earlier today that what might happen is that the conclusion or decision or recommendation of the royal commission may not be brought back to this place before there is another election and a possible change in government.

It's our suggestion—and I suppose only because we have alternate suggestions—that the proposed changes in Bill 165 won't be sufficient to solve the problems at the Workers' Compensation Board. Instead of making substantial changes to the board, we feel that the government is continuing the same structures and operations at the board which are responsible for some of the financial and operational problems of the board today.

For example, it's proposed to maintain the existing bipartite managerial setup at the WCB. Yet the recent failure to reach a deal between employers and workers concerning major funding and operational issues makes it clear that this structure needs revamping.

In the paper called *Back to the Future*, our Labour critic has proposed broadening the board of directors of the Workers' Compensation Board to include other groups that affect the workers' compensation system such as the medical community. One of the observations is "Comprehensive Medical Observations." The consultations that were carried on were "very effective in assembling the views of the many stakeholders who are involved in the delivery of workers' compensation. To this end, the input received from the medical and chiropractic communities has been invaluable. Further to this, the outreach tour that developed this paper recognizes that if the system is to work, the medical and chiropractic communities need to have greater input. The

first person that an injured worker must consult with is the medical practitioner in the determination of the degree of injury. Early intervention is the key to a patient's rehabilitation and re-employment."

This afternoon our Labour critic went on to outline a number of non-partisan appointees to a board that would be balanced and broad in its approach. I needn't repeat all of them but certainly the Ontario Medical Association and the Ontario Chiropractic Association were two.

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We feel as well that Bill 165 doesn't address the question of rising premiums to employers. We do feel that the legislation reduces the potential increase in the Workers' Compensation Board's unfunded liability, but it does nothing to lower the existing employer premiums. As a result, we feel that companies which already pay Workers' Compensation Board rates far higher than their competitors in other jurisdictions are not going to be more competitive as a result of Bill 165.

We also feel that the suggestions must make better use of the oversight provisions of the government to maintain a tight rein on the Workers' Compensation Board. In other words, management at the board in the past was able to gain approval to build its new headquarters without a full vetting of cabinet.

The provisions on Bill 165 for a memorandum of understanding between the board and the minister offer a new chance, though, for the government to exercise some authority over the decisions of the board. This provision is similar to one that already exists in the act governing Ontario Hydro. Especially with the recent episode of the possible purchase of the Costa Rican rain forest by Ontario Hydro, we would hope that similar situations would not arise with other bodies, such as the WCB.

I received a letter from an employer close to my constituency, not exactly within the boundary but close by. It's from Hike Metal in Wheatley. They were in receipt of the communication from the Employers' Advocacy Council regarding the reform of workers' compensation in Bill 165. This employer concurred with the understanding that "industry was to be consulted on any reform." However, this employer goes on to say—and there are other examples of it, but I use this as one—"I have concerns in regard to the highlights I have read and would like a full comparison and explanation of any changes before this bill is passed." The employer asks that we voice their concern, we voice employers' concerns, and that this be explained to them before any legislation is passed. So I think there's not only concern out there by workers about the changes that this bill would make but also by employers.

But despite assurances that business would be consulted before the legislation was introduced, it passed first reading without any consultation, and it's suggested that the bill imposes further costs and penalties on employers and won't solve the fundamental problems in the system. But I would hope and I expect—and perhaps it's because I'm not totally familiar with the system—that if and when this bill passes second reading, then some of the employers will be given the opportunity, as well as employees, as well as other interested groups, to com-

ment on the bill. I just want to add that in the introduction to the document that we've put out, Back to the Future, there were a couple of statements that I think go again to what our Labour critic said this afternoon, that anything contained in this document doesn't criticize the current government but tries to point out some of the areas in which he feels the government might take advice and move. I'll quote from the foreword, in fact, and it was signed by Steve Mahoney, our Labour critic.

"This paper is an attempt by Liberal leader Lyn McLeod, the Labour critic and the Ontario Liberal caucus to stimulate debate, analyse the problems"—notwithstanding the fact that I may not be stimulating this evening—"and propose possible solutions in an attempt to save the troubled Ontario workers' compensation system. It does not represent party policy but rather is a series of recommendations for discussion as we build towards our final positions on WCB reform."

I will be concluding my remarks shortly. I just want to say that in my former world, prior to entering the provincial realm of politics, for 22 years I was in a small retail business. I think over those years, yes, there were problems with the WCB and with some of the results, decisions that have come from it, but if I rely on my own experience I think for the most part the employees at the WCB took their responsibilities seriously. They worked under some very difficult conditions at times, but I think, if I could speak on behalf of some small businesses, there was always an attempt to arrive at the best solution for the worker and for the employer as well.

I have found, though, that since I've become a member of provincial Parliament the number of calls that we get has surprised me—and I'm certainly not telling anybody in this place anything new—regarding difficulties with workers' compensation. What I find to be the most difficult is that initially the normal response is that we want to help the worker, but there are those occasions where there's nothing that can be done for the worker. The WCB has done its job; it has made its decision. It's gone on to the workers' adviser. Perhaps the employer adviser has been involved. The most difficult thing is to tell an injured worker nothing more can be done.

There is a suggestion, I believe, or if it is not in this document it's been made, that we should work towards a system where the decisions will be made in a fair and equitable way but that perhaps our role as MPPs should not be brought into it. Not to say that none of us want to help out constituents when it comes to this, but I think that our constituents in many cases think there's something magic that we can do, there's something their member can do that the Workers' Compensation Board has not been able to do for them.

So if there's anything that we can do in all of this or if there's anything that can be added to all of this discussion and in the final analysis, the decisions that are made on changes, I would hope that it would take the adversarial position out of this and that decisions can be made, workers can be compensated when they need it and employers will also be happy with those decisions.

I see my time is drawing to a close. I think it's time that I moved on.

Mr Bisson: More, more.

Mr Crozier: See, they're falling over. Some of them are even falling over, they thought so much of it. So everybody come to attention; I'm concluding.

Mr Bisson: It was the most eloquent speech that I've heard in this House. My God, I see members rolling down the aisles, physically rolling down the aisles, after that speech. I must say, I've never seen this in all my time in the House, and I would like to commend the member for such a delivery.

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The Acting Speaker: Any further questions or comments? Seeing none, the member for Essex South may respond if he wishes.

Mr Crozier: No, I need not respond to that.

The Acting Speaker: Further debate. The member for Wellington.

Mr Arnott: I'm pleased to rise tonight to participate in this important debate on Bill 165, An Act to amend the Workers' Compensation Act, and I hope that everyone's able to remain in their seats, or standing, while I make my presentation.

Mr Bisson: Explain it for the people at home.

Mr Arnott: We've got the hockey game on tonight, so I doubt very much if there are too many people watching our presentation. But we do have an important responsibility here tonight and we have important issues to discuss around this workers' compensation system. We all accept, I think, and agree that the system is in a mess and that steps have to be taken to address the problems at the Workers' Compensation Board.

Hon Floyd Laughren (Deputy Premier and Minister of Finance): Be a red Tory tonight. Be the only red Tory in that caucus.

Mr Arnott: I'm not a red Tory, Floyd. You've got me wrong.

I think this bill, brought forward by the government for first reading on May 18 and now we're experiencing second reading, in some way is an effort on the part of the government to address some of the problems at the Workers' Compensation Board.

There's a lot of history to the Workers' Compensation Board. Some of the members, during the course of this debate, have talked about the extensive history, going back to 1914. I won't go back that far, but over the last three and a half years, since the New Democrats took power, there have been a number of issues that have arisen during the course of debate in this House.

We've talked about the unfunded liability from the perspective of our caucus, because we're very, very concerned about the long-term financial viability of the board so that, over time, injured workers are going to be able to continue to receive the benefits that they need, especially the ones who are on pensions who can't go back to work because of injury.

When we go into the more recent background of the developments leading up to this bill, we recall that on April 14 the Premier announced that the Minister of Labour would be introducing reforms to the Workers'

Compensation Act. I recall very well that announcement was made in the House at approximately that time. I believe it was when Odoardo Di Santo, a former NDP member of the Legislature and more recently the chairman of the Workers' Compensation Board, as well as Brian King, the vice-chair, were asked to take on other responsibilities, I guess, within the government. I'm not sure what's become of them, but they're no longer in those positions.

A number of senior management changes were made, including the appointment of William Blundell as the transition team chief, and I applaud the government for that particular appointment because I think that was a positive step. Then there were a number of other changes too. Mr Copeland came in in a senior position of responsibility.

These changes announced at that time and the plan that the government put forward were supposed to be the result of the recommendations made by the Premier's Labour-Management Advisory Committee, which was set up some time ago as a consultation mechanism on the part of the government to try and determine a broad consensus of opinion as to what changes should be made. Unfortunately, a number of critical suggestions made by that committee were actually omitted from the plan that the Premier announced on that day.

The Premier also announced that a royal commission would be appointed to establish a thorough review of the options and alternatives to the current system. Of course, that review is ongoing, but it's very likely that the royal commission will not have a chance to report back to the government in time for the government to respond to any of the changes. We'll likely be into an election campaign, I would think, before then.

The Minister of Labour, who is responsible for the Workers' Compensation Act, moved first reading of this bill on May 18. He has indicated that the primary goals of the government are ensuring the future financial viability of the system, early return to work for injured workers and the protection of the most vulnerable workers.

I think the bill's key issues include a purpose clause, which wasn't in the previous act; provisions for a bipartisan board of directors; provisions for getting rehabilitated workers back to work more quickly; a new formula for the indexation of benefits; and a new \$200-a-month increase for pensions of certain injured workers, some of the most seriously disabled, I understand. But I think the bill fails in one of its central features.

One of the central provisions that the government talked about was the need for the preservation of the financial viability of injured workers' claims over time. Of course, that again is the key feature of what we have been saying in our party, the key aspect that we think ought to be addressed, and we're very concerned about the unfunded liability problem. It's projected that the unfunded liability problem right now is about \$11.5 billion, which is far in excess of what it was in 1980, as we've heard during the course of this debate.

There's a lot of misunderstanding, I think, and really lack of understanding about what the unfunded liability

is. Of course, the unfunded liability, quite simply, is the difference between the board's total assets and the present value of the funds required to meet current and future costs of the accidents which have already occurred. So it's an actuarial figure. It's a projection into the future, really, of what the board's obligations are going to be in the form of payouts to injured workers versus what the board anticipates bringing in in the form of revenues.

We know the workers' compensation system is financed exclusively by premiums, or assessment rates, which are paid by employers. That's the system we set up many, many years ago and still maintain.

We know also that in 1984 the Workers' Compensation Board accepted the fact that it had a severe potential problem in the form of its unfunded liability and it decided that in the future it would try to have its future obligations meet its future revenues. So at that time, in 1984, the board adopted a full-funding strategy to ensure that at some future date its assets would meet its liabilities. The funding strategy was designed to raise assessment rates to levels adequate to cover the current and future costs of each year's new accidents and to generate a surplus above this amount sufficient to retire the unfunded liability within 30 years, which of course was 2014. We're now 10 years into that plan, and we're farther away from the initial goal of 10 years ago.

The full-funding strategy really has governed the workers' compensation assessment rates every year since 1985, with the exception of the 1991 rate freeze. Assessment rate increases of 15% for three years were followed by increases of 10% for the next three years.

Between 1984 and 1989, the board's strategy to eliminate the unfunded liability was on track. However, the unfunded liability in 1990 increased more than was anticipated under the original funding strategy, and we recall two reasons why that occurred. Bill 162, which was the Liberal government's changes to the workers' compensation system that it brought in during its mandate, created new benefit entitlements for injured workers that previously they had not been entitled to and in fact raised the costs to the board, adding nearly \$1 billion to the board's unfunded liability. As well, of course, in 1990 the recession started to deepen, and that reduced the revenues to the board.

In February 1992, though, after the New Democrats had been in power for approximately two years, the board issued a funding strategy discussion paper. The paper was really criticized by the employer community, because it only provided options for either increasing assessments or extending the period to retire the debt from 2014 to 2024, adding another 10 years to the previous time span, the 30 years of the original plan to reduce the unfunded liability to zero, and noticeably absent were any proposals which would reduce the real costs of the system.

At that time too, a report by a consultant named William Mercer concluded that the critical problem facing the Workers' Compensation Board had less to do with the economic downturn and much more to do with the ability of the board to responsibly and effectively manage its operations.

Bill 162 expenditures, as we had seen, had really far

exceeded even the highest projections that were done at the time by the Liberal government, and therefore business had asked the Provincial Auditor to launch an in-depth review of the implementation and the future economic loss and rehabilitation provisions of Bill 162 to determine the reason for those cost overruns.

Of course, in the Provincial Auditor's report in 1993, the auditor advised the board that the board really had to develop plans to attack the unfunded liability as quickly and as effectively as possible. The auditor really was concerned, and I think shared the concern that our caucus has articulated, that without a plan to address the unfunded liability problem, the future benefits to workers might possibly be in jeopardy.

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The WCB at the time said in response to the auditor's report, "The board of directors hopes to develop and adopt a plan by early 1993 or 1994. One of the elements of the plan is the funding of the program." The government members might argue that this Bill 165 constitutes such a plan; I would argue that's not the case.

In my opinion, the consequences of not dealing with the unfunded liability could have a much wider impact on the province by reducing its ability to access the debt markets—our access to borrowing. My colleague the member for Waterloo North today asked a question of the Treasurer, and I thought it was a good question, trying to get at the root of how the unfunded liability may affect our overall debt picture in the province and to what extent our debt rating perhaps would be reduced unless the unfunded liability problem were addressed.

A Globe and Mail editorial back in November 1993—I'd like to read that—said, "Ultimately, if we're convinced that they're not going to be able to fund it or we'll have to fund it with tax dollars, that thing's got to go on the debt level of the province." This was a statement made by Walter Schroeder, president of the Dominion Bond Rating Service. "It would probably raise the [province's] debt level rating by 15% to 20%."

There's real concern within the bond rating community that unless the unfunded liability of the Workers' Compensation Board is addressed, the overall financial picture in the province is in jeopardy, and I think again we must say that this bill does not address in any way the unfunded liability problem.

Business leaders have escalated this issue to the Premier's attention recently, and in June of 1992 the Premier announced the appointment of the Premier's Labour-Management Advisory Committee, which has been discussed in the course of this debate, and meetings have been held to discuss the future. Recommendations of course were made which were not fully followed up upon by the government.

The people in Wellington county, whom I'm privileged to represent, find that the WCB does not meet the needs of the injured workers who go to the board for assistance when they're hurt. It does not meet the needs of the employers who require service when they have a problem with their assessments, for example.

I have a letter here that I'd like to read from an

employer who lives in Guelph actually, just outside my riding, but I think it's fairly indicative of the concerns of the employer community with respect to workers' compensation. It's a letter that was addressed to the Minister of Labour, the Honourable Bob Mackenzie, back in February of this year. It reads as follows:

"Dear Sir:

"I must protest at this time workers' compensation policies regarding NEER costs to my firm. Our costs have gone up dramatically over the years."

In 1989, they paid about \$13,000; in 1990, just over \$13,000, but in 1991, \$40,000, and in 1992, \$20,000. No, I'm sorry. The claims they paid out were actually decreasing over time but essentially their assessments were going up.

He says:

"I just wish my grocery business would give me such a return on my investment. Last year, on \$5,327,299, the total income after all taxes was \$20,473, and I own the building, not charging any rent to the business.

"In 1992, we had a staff member off for some time with a motion injury. We did our best to have her return to a lighter job as soon as she was able, training her for this but paying her the same rate she was getting in her former position, a rate higher, I might add, than the experienced girls in this job were getting, so she would not be drawing from WCB any longer. We did our best to do everything suggested to reduce their payout. The total payout from WCB in 1992 was \$10,400, and for the year we paid WCB \$20,374, so they only made \$9,973 on our account.

"They projected future costs for 1993, because of 1992 claims, at \$16,435, but only paid out \$1,098. Based on all this, the WCB computer says that we owe a further \$4,647. This makes my 1994 costs \$20,650," plus additional costs of \$4,647 for a total of \$25,297.

He talks about the efforts that he made to get a response from the Workers' Compensation Board. He had a meeting with the Workers' Compensation Board and he had great difficulty in terms of getting any response.

He goes into some of the other issues that affect his business that are government-controlled. He says that last year his company paid out to various levels of government \$115,953 in taxes for the employer health tax, municipal taxes, Canada pension, unemployment insurance, workers' compensation and company income taxes. "In 1994, we are facing costs of \$5,000 to \$6,000 for three weeks' WHMIS training for two people. In addition to this, there is talk of a new training tax. The government says it is concerned about unemployment but it most certainly will get worse unless small business is given some relief from some of these regressive taxes.

"Is it any wonder that companies are leaving Ontario in droves? We pay too many taxes in this country.

"As a result of too many taxes and predatory pricing of the chain stores, we could only add to the unemployment ranks 44 full- and part-time people. Taxes most certainly have a real bearing on the outcome.

"More regressive taxes most certainly will help dictate who the government in the future will be. Taxpayers will

revolt unless relief is given.

"I know of many small business owners who would love to sell but they cannot, simply because there are no buyers. Who would be crazy enough to go into business in Ontario? Our company is in a loss situation so far this company year even though we have been in business since 1965, own the real estate and watch costs very closely.

"The government must reduce their costs to reduce taxes. Think seriously about this."

Again, this is a very thoughtful letter, but it really says that this single individual, who owns a retail grocery store in Guelph, has virtually no confidence in the government. He has virtually no confidence that the government is going to do anything but hurt his business. Any step that they take, he feels, obviously, implicitly in what he's saying, will hurt his business.

I ask the government: Will this individual invest one additional dollar in terms of creating jobs if he believes the government is against him, if he believes that the workers' compensation system is stacked against him? I will answer it as well: He will not. This is one of the problems that we have been facing over the last three years because of the fact that business people have very little, if any, confidence in the New Democrats as a government. They're not investing and they're not creating the jobs that we need.

I think we have to look at what the role of government ought to be with respect to workers' compensation. In my opinion, I don't think it's up to the government to run the WCB, and of course, part of this bill will enhance the political control of the WCB by the government. I think it's the role of government to set up a structure to ensure that people who are injured on the job and because of their injury are unable to work receive fair compensation, but that's setting up the structure and allowing the structure to do the job.

I think it's important, too, that government policy, to the extent that it can, attempt to encourage a reduction in the number of accidents in the workplace. I think that's a very important responsibility of government. I'm not sure that the New Democrats, in spite of their rhetoric, have taken the policies that have actually impacted directly on the numbers of accidents we're experiencing.

The Workplace Health and Safety Agency which has been set up to, we're told, train workers has proven to be a disaster, in my opinion. I don't think it's training the workers that the government claimed would be trained. I recall the initial projections of how many workers would be trained for safety reasons, and those objectives, I know, have not been met.

That agency was set up as a result of the Liberal Bill 208, which sought to address and encourage a reduction in the number of accidents in the workplace, but again it has not been successful in meeting the objectives that the government set for the agency or that the agency set for itself.

We've had a number of complaints from small businesses over the last number of months with respect to the Workplace Health and Safety Agency. They're concerned

about the costs of the safety training. I believe the cost is excessive. They're concerned about the fact that in many cases the extent of the training, the numbers of weeks that the government through the agency is expecting businesses to send some of their key people, the duration of the training for some of the jobs, is unreasonable and it's too long. And especially in this time of economic difficulty, there are a great many small business that literally can't afford to comply with the requirements of the Workplace Health and Safety Agency and will not be able to participate. So in that sense, I think that indicates in some way where many of the failures of that agency have come from. If the Workplace Health and Safety Agency is failing, if workers aren't being trained with respect to safety, then we're not likely to encourage a reduction in the number of workplace accidents.

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Overall, the Workers' Compensation Board has had, I believe, two major failures.

It has failed the test of good fiscal management. We see that again in the fact that this bill does not have an explanation of how the board will deal with the unfunded liability problem and the future projection of the unfunded liability at \$11.5 billion. We have seen that with respect to the WCB going out and building a new administrative building for itself. I believe the cost is something in the range of \$150 million. We have seen that over the course of the last number of years. Good fiscal management has not been a feature of the WCB over the last number of years.

It has also failed with respect to the test of providing good administrative management. Service delivery at the board continues to be a major problem. I don't know how many members of the Legislature make the calls themselves to the WCB. I know many of us have staff who do that for us, who assist us in that respect. But if you call the board, you have great difficulty getting through to a living, breathing person. That is a major problem for the injured workers as well because they feel they're really not being given the time of day or any adequate service. Sometimes you leave messages on these voice mail machines and you don't get a call back for days. Sometimes you write letters to the WCB and you don't get a response for weeks, even months. That is absolutely unacceptable from a public agency. That issue must be addressed too.

The adjudicators at the Workers' Compensation Board have a morale problem. They feel, I think, that they're overworked and they're always being yelled at. But I think in many cases they're not able to make the decision and, as a result, they feel they are powerless in a sense. I think that issue must be addressed as well.

The administration at the board is chaotic. Files are being lost which can't be retrieved. Adjudicators receive files they know nothing about. They seem to be shuffling files around from one adjudicator to another to another, which further frustrates the injured workers.

The incidence of fraud is also a major problem. I think that falls under the lack of good administrative management. The estimates of fraud at the board are anywhere between \$150 million and \$500 million, which are

absolutely phenomenal numbers. We see the premiums paid by employers going into someone else's pockets in a fraudulent way. That simply must be addressed as well.

That's a 20-minute summary of what's wrong at the WCB. What should be done at the WCB is what I'd like to conclude with.

Our caucus has released the Common Sense Revolution. We have some specific suggestions as to what should be done in a number of different areas of governance. We address the workers' compensation issue, and Mike Harris has committed, should he form a government, to cutting workers' compensation premiums by about 5%. We've said this will save employers an estimated \$98.5 million.

Further, we'll implement the five-point plan that we've talked about for a number of months. The first point within that five-point plan is that we feel the Workers' Compensation Board should adopt a moratorium on all new entitlements until there's a plan in place to deal with the unfunded liability. We feel that expanding coverage or benefits in the face of looming bankruptcy is irresponsible, and we would impose a moratorium on the expansion of entitlements either by legislation or by regulation or by interpretation. Of course, this bill doesn't do that.

Secondly, we feel we should improve the management of the workers' compensation system by giving more control to the stakeholders. We would, for example, eliminate the politically appointed chairman and fill that position with a top-notch insurance executive. Given that Ontario's workers' compensation system is equivalent to the eighth-largest insurance company in Canada, we feel it would make sense to ensure that an insurance executive would fill the chairman's office.

Third, we all know that the net benefits for many workers' compensation recipients are actually higher than what they received while working. This does not make sense and is not sustainable over time. It should be reviewed and addressed.

Fourth, we've said that to help achieve the new WCB management objectives costs should be controlled and we should better serve injured workers. To do that, we need value-for-money audits and other spending controls. In our opinion it's absolutely ridiculous what's been going on at the WCB in terms of its spending. Particularly, the new office building is an example that we would cite.

We've talked about the merits of examining privatization, and that is something our caucus still feels ought to be examined. We feel that contracting out some of the administration and the provision of workers' comp services, enlisting private sector expertise to develop and implement less expensive and more effective ways to retrain, rehabilitate and respond to the needs of injured workers so that they can re-enter the workforce, would be desirable. We also feel that we need to investigate the possibility of private sector training as an alternative to the current approach, which is serving neither employers nor employees.

Finally, and this is our sixth point, we believe that we have to look at the question of who pays for workers' compensation. Right now, as we know, it's 100%

employer-funded. Many people have argued—and we're interested in looking at this—that there should be more accountability to the system and it should be less open to abuse. The way we could do that is by incorporating some form of worker copayment to give workers a stake in ensuring that the system is well run.

That's where we're at with this bill. It doesn't pass the tests of what we in opposition have said ought to be done with respect to workers' compensation reform. A great many of the issues I see are still outstanding, and the government probably will refer those to the royal commission. But I must say that this bill should not pass in its present form. I hope that the government will consent to send it to a standing committee of the Legislature for further review and for public hearings over the summer months, because really this bill is not what we need today from the government with respect to workers' compensation reform.

I would just make one closing comment, to urge the government to at least give some consideration to the points that are coming from the opposition with respect to this bill. It's been a good debate, I think, and we've had a lot of constructive proposals put forward by the opposition parties with respect to this issue.

Mr Sutherland: I appreciate the member for Wellington participating in the debate and expressing concerns on behalf of his constituents, as the member does on several occasions. I did find interesting, though, a few points that he raised, because he didn't mention or talk about efforts regarding rehabilitation of injured workers. He didn't mention about how we got to the large unfunded liability. I know the third party is very sensitive about being associated with blame for that, but I think it has to take some responsibility. They said earlier in the debate: "It's not what happened in the past. We've got to look to the future."

The reason we've got to take dramatic action today to preserve the future of the WCB is because of past mismanagement. We do need to make some reference to the fact that the unfunded liability was only \$400 million in 1980 and it was up to \$6 billion by 1985, and up to a further \$10 billion by 1990.

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I think his points about rehabilitation, raised that way, are important. It also brings into account the importance of prevention, because if we really are going to get a handle on future costs and keep them under control, then we need significant prevention efforts. I do find it interesting, though, that while many business people have been complaining about premium increases, I did receive some information from, I believe, the injured workers' network that indicated serious injuries in the workplace have increased by about 28% over the last three to four years. That information clearly tells me that businesses and workers, everyone has a lot more work to do in terms of ensuring that workplaces are safer, that there are fewer accidents so that therefore there are fewer payments out to injured workers, fewer expenses. That helps to deal with some of the financial difficulties at the Workers' Compensation Board, and I hope the member for Wellington would keep that in mind.

Mrs Witmer: I'd like to take this opportunity to congratulate my colleague from Wellington for a very thoughtful and succinct presentation. What he has attempted to do is summarize the views of the various stakeholders involved with the workers' compensation system. He's tried to represent the views of the small business person, since he is the critic for that portfolio. He's spoken about the impact of WCB on the injured worker. He's talked about the employee at the WCB and some of the difficulties that they experience in trying to deal with the claims and trying to deal with the system. He has represented those points of view extremely well.

We all know that there are difficulties, there is mismanagement. As I said before, we have the issue of the unfunded liability that stands at \$11.5 billion. He has indicated that we cannot continue to allow continued mismanagement. We cannot allow the fraud to continue, which he estimated to be between \$150 million and \$500 million. We need to deal with the unfunded liability. He has shared with us as well the PC response, the six-point plan for action as to what we would do in order to ensure that the system does respond to the needs of both the injured worker and the employer community and also to ensure that the unfunded liability can be eliminated by the year 2014.

I would say in response to the member for Oxford that he has talked repeatedly this evening about the debt at the WCB being incurred by the PC Party. I would say to him, it was our party, in 1984, that did put in place a funding strategy that would have eliminated totally the unfunded liability by the year 2014.

The Deputy Speaker (Mr Gilles E. Morin): Your time has expired.

Mrs Witmer: Unfortunately, it's others who have gotten off track.

Mr O'Connor: I appreciate the opportunity to comment for just a few moments on my colleague the member for Wellington. He didn't go to any length in his description about the tough cost-saving measures. He criticized the unfunded liability, said that the government didn't do anything about it. The fact is that they've dealt with it in a very direct fashion. He didn't talk, as far as I'm concerned, with enough emphasis on the fact that there are a lot of vulnerable older injured workers out there. The \$200 a month is going to needy injured workers. The need is there, the people are there.

Mr Gregory S. Sorbara (York Centre): Give me a break. It doesn't pay the taxes on the house.

Mr O'Connor: The former Minister of Labour is heckling because he realizes that he mismanaged it. That's the case, but that's not what I'm commenting on. I'm commenting on the member for Wellington, who has said about the injured workers, "We're worried about them." They had the opportunity to worry about them. They didn't correct the problems that were there when they were there in government for so many years. In fact, during the early 1980s we saw the unfunded liability grow at an enormous rate. I'm disappointed in that.

When the bill was introduced, the Minister of Labour pointed out five key elements to the legislation, and I'm

disappointed the member didn't focus on some of them. He focused on some of the parts and blamed mismanagement: "Everything is too late and it's too far and you didn't do it quickly enough." I think the important focus needs to be rehabilitating injured workers, getting them back to work. He's tried to focus somewhat on that and I would hope that he would focus perhaps a little bit more on that and the need of the older injured workers who are going to get that \$200. Economically, they are the most vulnerable. They do need that type of support. I hope that maybe he'll address that in his two minutes.

The Deputy Speaker: Further questions or comments? If not, the member for Wellington, you have two minutes.

Mr Arnott: I want to thank the members who have responded to my speech: the member for Waterloo North for her kind comments, the member for Durham-York for his observations and the member for Oxford for his questions.

The member for Durham-York talked about the enhanced benefits for the older injured workers. It's \$200 a month for some of them; I think that's the figure. I think also we still have to keep in mind, though, the overall capacity of the system over the long run to sustain itself, to ensure that workers who are likely to be injured in the future will be able to receive any pensions at all through the system, because we're getting to the point where employers cannot stand any further increases in their assessments. Again, that's motivated our party to suggest that assessments ought to be reduced by 5%.

We want to help injured workers. We want to make sure that injured workers are able to receive the payments they need to sustain their own households. We want to be able to do that over time. We have to be able to keep the system going financially and that is what's motivating our suggestions with respect to reducing the unfunded liability.

The member for Oxford still wants to talk about whose fault it is. The Conservatives, of course, were in power since the time of the Second World War up until 1985, the New Democrats and the Liberals were in charge from 1985 to 1987 when they had the accord years, the Liberals were in charge for three years after that, from 1987 to 1990, and now the New Democrats have been in power and have been responsible for administering the provincial government since 1990. We're now in 1994. Yes, all three parties who are presently represented in this Legislature have been in power in the last 10 years, so all of us, I think, have some measure of culpability with respect to how the WCB is administered, but today we've got to talk about solutions, not who's at fault.

Mrs Irene Mathysen (Middlesex): I'm pleased to have this opportunity to join the debate on Bill 165, An Act to amend the Workers' Compensation Act and the Occupational Health and Safety Act.

The information derived from tonight's discussion is important for Ontarians because for far too many years the Workers' Compensation Board has inflamed rather than resolved the difficulties faced by workers and employers in this province. There's a real need to overhaul the act and make it function as it was intended to

function. We need to ensure protection for workers and their families, we need to get the injured the medical intervention they require to get people back to work, and, let's not forget, we need to spare employers litigation that could potentially put them out of business, because there is a significant benefit to employers from the WCB arrangement. The original intent seems somehow to have been lost, I think, in all of the discussion here, and that brings me to the purpose of the amendments we're discussing tonight.

If we look at the purpose clause in the bill before us, we see that the amendments brought forward by the Minister of Labour will indeed fulfil the original intent of the act. The purpose, as already indicated by the honourable parliamentary assistant, the member for Sudbury, is to establish fair compensation, health care benefits and rehabilitation services for workers who sustain personal injury by accidents arising out of and in the course of employment, or who suffer from occupational disease, and for their spouses and dependents, and to facilitate a return to work for these workers.

Like all the members here, I think the very first thing that happened in my office after the election of 1990 was a deluge of calls and visits from people for whom the current system simply was not working—hundreds and hundreds of them. In some cases, the complaint went back several years. In others, the worker suffered not just from the long-term effects of an injury but from the stress of trying to cope with financial hardship, pain and the adversarial atmosphere that has evolved between the WCB and many injured workers as a result of the financial problems the board has endured over the past 10 years.

In most of the cases, there was very little that we could do to help. Certainly my staff made the calls, and we'll continue to make calls on behalf of injured workers to WCB and to make those inquiries that are so necessary. But the situation is such that it's extremely difficult and frustrating for those seeking compensation, and, I believe, frustrating for those trying to provide it, because I'm convinced that many of the front-line workers at WCB truly would like to be able to provide the service that will help those folks who they know are dependent on WCB compensation.

At any rate, we've heard a great deal here tonight in the discussion about the unfunded liability, and certainly it's a debt that's grown from \$400 million in 1980 to \$10 billion by 1990, and has been projected to be as high as \$31 billion by the year 2014 if we don't do something now. It's a source of profound concern for all of us, because it does indeed jeopardize the provision of fair compensation to injured workers and causes profound concern for employers, who are paying the premiums. We have to find a way to provide that fair compensation, and that is, of course, the purpose of the cost-saving measures that are part of the reform that this bill puts in place.

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I must say that despite some of the rhetoric opposite, cost-saving measures are the key to the future stability of the Workers' Compensation Board. I find it quite remarkable that the opposition would howl to the rafters about

the unfunded liability and the rising debt at WCB and then reject the formula that will save \$21.6 billion from the unfunded liability by the year 2014.

We're providing an amendment in this bill that will result in the adoption of the Friedland indexing formula. We've heard a little bit about that tonight, but I think it's important to remember that these provisions will ensure that the most vulnerable workers will continue to receive benefits fully indexed to the consumer price index and that the Friedland formula indexes pensions to 75% of the consumer price index, less 1%, with a cap of 4% a year.

Certain groups will continue to receive fully indexed benefits, and they are those people who are receiving survivor and dependant benefits, those receiving 100% pensions for injuries that occurred before 1990, those receiving 100% wage-loss awards for injuries that occurred after 1989, and those receiving the \$200 increase I've mentioned before.

About 45,000 workers or survivors and dependants will qualify for the exemption to the Friedland formula, and we're proposing amendments to the Workers' Compensation Act that would provide a \$200 increase to the permanent partial disability awards of workers injured prior to Bill 162 who are or become entitled to receive, or have been entitled to receive, subsection 147(4) supplements. That's about 40,000 workers who will qualify for the \$200 pension increase.

We're also bringing forward amendments that will require the board of directors to act in a financially responsible manner, with a view to the best interests of the Workers' Compensation Board.

The second part of the purpose clause is the vocational rehabilitation and return-to-work objective. So we have a directive very clearly to put the financial house in order, and secondly, the purpose of initiating rehabilitation.

Bill 165 amends the vocational rehabilitation section of the act to require the WCB to provide vocational rehabilitation services to employers where, in the board's opinion, such services would assist in early and safe return to work. Amendments to this section will require an employer to cooperate in the worker's vocational rehabilitation where the board considers it advisable to do so.

To achieve this goal, section 51 is amended to require a worker's physician to provide information relevant to the worker's medical restrictions and ability to return to work directly to the worker's employer upon the request of the employer, but with the worker's consent, or upon the request of that worker. The information transmitted by the doctor will be limited to the information prescribed by the WCB form, because this kind of information is sensitive and it should be used appropriately.

If the board determines that the employer has not cooperated with vocational rehabilitation services or programs provided, the board is able to penalize the employer. The act already provides that a worker can be penalized financially for non-cooperation in vocational rehabilitation, so it only makes sense to level the playing field and firmly establish the employer's responsibility.

Amendments to section 54 of the act will allow the WCB to initiate a penalty for non-compliance with

respect to the re-employment obligations established in this section, and a new section in the act will provide that the board's experience rating programs will be modified to measure such matters as the employer's health and safety vocational rehabilitation and re-employment practices and procedures.

Finally, in the event that a worker or an employer objects to a board decision which turns on cooperation, availability or participation in a vocational rehabilitation or medical program or which involves a dispute with respect to return to work obligations, a new provision requires the board to provide mediation. The mediation process must cease within 30 days of a party's objection or application. Where mediation is unsuccessful, a final decision of the board will have to be rendered within 30 days.

All of these changes are to get people back to work because we know that one of the worst fears of injured workers, apart from the medical fears, the pain, the financial uncertainty, is the fear of loss of employment, the fear of a loss of your place in the workforce, because that place provides dignity and satisfaction.

So the purpose of this package of amendments is to get the Workers' Compensation Board back on track, its house in order. For this to be achieved, there has to be a new governance structure. The new bipartite board will have equal representation—five from business and five from labour—and will include two public representatives chosen jointly by business and labour. This new model will ensure effective, equal representation for all interested parties. A chair will be selected on the joint recommendation of the business and labour board members, with two vice-chairs, one from business and one from labour, and the chair of the Workers' Compensation Appeals Tribunal will sit as a non-voting member.

Under this new model, the board itself, not the government, will appoint the president and CEO who will be responsible for managing the operations of the Workers' Compensation Board and will be accountable to the board of directors. The mandate of this new board will be to provide strategic policy and business direction to the corporation, and of course, as we did with Ontario Hydro, this government has made the WCB accountable to government, this time through a memorandum of understanding between the board and the Minister of Labour.

In closing, I'd like to spend a moment in regard to the royal commission that's been appointed to examine the current system and study the relationship between workers' compensation and other income replacement and support systems. The commissioners will hear from the public and examine WCB systems in other jurisdictions. They will study alternative systems of compensation, the financial viability of the current system, the current benefits structure, entitlement issues, as well as look at groups that are currently excluded from coverage. Questions regarding expanding coverage to industries like financial institutions or workers like artists, who are not currently covered, will also be addressed by the royal commission. Finally, commissioners will examine the relationship between workers' compensation and occupational health and safety. They will report in about 18

months, by the end of 1995, and will provide government with recommendations in regard to their mandate.

It's very clear, I think, that the appointment of the royal commission and the specific amendments contained in this act will significantly move the WCB out of its current dilemma to more solid ground. And that is, of course, precisely what should happen. This is no small problem. It has festered for more than 10 years and it must be resolved.

A new board, with balanced membership, the new funding formula, which will reduce the debt, fiscal accountability provisions, the rehabilitation provisions, improved pensions, the return-to-work initiatives and the royal commission re-evaluation will help make that desired resolution a reality. It's what has been desperately needed for over a decade and it's what this Minister of Labour and this government are determined to do through this particular piece of legislation, and I'd say that it's certainly worthy of our support.

I look forward to the advice and the guidance that the public will provide to the standing committee that will sit this summer to review Bill 165. I believe that the result will benefit all Ontario employers and workers and it will make the WCB truly function as it should.

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Mr Sutherland: I want to compliment the member for Middlesex for her comments and her participation in the debate. I think she outlined some of the key points of the types of changes we're bringing about in the WCB.

I've been criticized several times today for only talking about the past, because I keep wanting to talk about how the unfunded liability was only \$400 million in 1980 and by 1985 it was up to \$6 billion, and then by 1990 it was up to \$10 billion. I think we need to talk about that, because to understand where we are and what the solutions are that we are proposing—and that's the key point: We are proposing solutions, whereas the previous governments didn't deal with the issue or came up with schemes that very clearly have not worked, or else the unfunded liability never would have got to \$10 billion.

But as I was saying, the member for Middlesex, I think in a very effective way, outlined the types of solutions we're proposing to put the Workers' Compensation Board on a solid footing so that it works for business people, but also not to say that the whole blame should go on injured workers and to say that they should carry the entire burden of the unfunded liability. Because as we all know, injured workers in the province of Ontario have already made sacrifices. They've already made sacrifices with their bodies and the other injuries that they have suffered, and we should never forget that.

So I think what has been proposed, and the member for Middlesex highlighted that, is a forward-looking solution. We're not just putting up our hands and saying, "Gee, the Tories and Liberals created this whole problem; we're not going to do anything."

I think as the member for Middlesex has highlighted, this government is showing leadership on this issue. We're not going to avoid the problems. We're not going to avoid the problems like they did with Ontario Hydro,

like the Tories did with the unfunded liabilities in the pension plans. I give the Liberals credit for dealing with some of them, but we're dealing with the Workers' Compensation Board, whereas no other government has.

Mr Drummond White (Durham Centre): I wish to commend my colleague the member on her excellent remarks. The member for Middlesex has already, in this House, established a reputation in terms of her standing on behalf of people who have been injured, people who have been disadvantaged, her fight for social justice.

I know in my riding, in my area, there is no area where our government should stand more firmly than in support of injured workers, people who have been disserved and abused in the past, people whose issues and concerns have been neglected, people for whom the issues of responsibility are clear. They know clearly who was responsible and what system was responsible for creating their injuries. They also know that a responsible system that addresses those injuries also has to look at the liability, has to look at those expense issues, but does so in a way which addresses, first and foremost, the issues of social justice.

These are people who have put their lives and their backs on the line for the wellbeing of our province, and they deserve an adequate recompense. These are people like the asbestos workers, like Eddie Cauchi in my riding, like Barry Huard and Vicky Standingready in my riding, people whom this member has fought long and hard for in her area, people whom this member is a credit to.

I want to again commend my friend and hope that she continues in this spirit to fight on behalf of injured workers throughout our province.

The Deputy Speaker: Further questions or comments? If not, the member for Middlesex, you have two minutes to reply.

Mrs Mathysen: I thank my two colleagues for responding. For a moment there I didn't know whether I'd mesmerized them or simply put them soundly to sleep, but I appreciate their comments.

Certainly I would like to say to the member for Oxford that clearly a solution was needed and, fortunately, I believe a solution has been found. Very clearly, this is a government that has not run away from the tough problems, has faced them directly and worked very diligently to try to resolve those problems, even problems as far back, in terms of this province, as the WCB problem.

I'd also like to thank my colleague the member for Durham Centre and say that his reputation has certainly been one as an advocate for people in his community and as a long-time advocate for injured workers. I know that he has done a great deal of work, and when injured workers come to Queen's Park he makes absolutely sure that they have access to those who need to hear from them and makes sure that their concerns are met every day in his own community.

So, thank you to both of my colleagues. I will listen with great interest to the rest of the debate.

The Deputy Speaker: Any further debate? The member for North Centre.

Mr Sorbara: York Centre.

The Deputy Speaker: York Centre.

Mr Sorbara: The hour is late, Mr Speaker. You are to be forgiven for that.

I'm going to vote against this bill. I want to simply take an opportunity to put a few remarks on the record to explain my opposition to the bill, where I think we should be going and principally what part of this initiative so angers and outrages me as a former Minister of Labour and a minister who was, for a period of some two years, responsible for the workers' compensation system in Ontario and, in that regard, a bill, Bill 162, which represented significant reforms to the system during the period of 1987 to 1990 during the 34th Parliament.

What dismays me most of all as I look around the House is that there are but four or five members who are in the House at this time who were in the House during the debate over Bill 162.

Mr Mahoney: Shelley Martel was here.

Mr Sorbara: My friend the member for Mississauga West, who did such an excellent job of critiquing this bill, points out that the member for Sudbury East is indeed here, paying virtually no attention to the debate. But this is now and that was then. Back then, five years ago almost to the month, almost to the day, the member for Sudbury East launched the most, in some respects, effective and at the same time malicious campaigns against workers' compensation this province had ever seen.

Mr Mahoney: Misinformed.

Mr Sorbara: My friend the member for Mississauga West says "misinformed," and perhaps that would be the best way to describe it, and at the same time say "parliamentary."

When I heard a few months ago the Premier announcing the reforms that would be brought forward, and then some time later the minister introducing the bill, it just absolutely broke my heart to see that the New Democratic Party, which had so clearly put its position on workers' compensation and workers' compensation reform on the record during the 13-month debate over Bill 162, completely reverse itself, completely change its position and introduce a bill which reflected not at all what the member for Sudbury East had preached during that debate; what the member for York South, the now Premier, had preached; what the member for Hamilton East, now the Labour minister, had demanded during the course of that debate.

2200

This bill is so diametrically opposed to what the New Democratic Party was campaigning for during the 13-month debate over Bill 162 that one can hardly believe it's the same political party. One can hardly believe that the same people would have the gall and the audacity to introduce this bill, having just five years ago staked their entire political reputation on a campaign to stop the passage of Bill 162. It is so hypocritical. It destroys people's belief in political principle and the fact that a political party can say the same thing when in government as they said in opposition.

My friend the government House leader was here. He

will remember the near riot in front of the doors of this assembly by injured workers who were brought down here by the member for Sudbury East to protest this bill, and the kerfuffle that resulted. He will remember day after day of holding up parliamentary work, reading petitions for hours and hours to try to express political opposition to Bill 162.

Now the government has completely abandoned, absolutely 100% abandoned, the principles that drove that opposition, which I said in my speeches was effective opposition, even if misinformed. My friend the government House leader is invited to re-read those speeches, his own speeches, his own position and his own petitions introduced during that time.

It just breaks your heart that a government that stood so clearly for something else, which I disagreed with—I disagreed with the position they were taking at that time and I would still disagree with it. But to bring in a bill that is so inconsistent with what you preached and the hope that you handed out to injured workers during that time in 1988 and 1989, to bring in a bill that so violates the commitments made at that time, is enough to have people throw up their hands in disgust and say, "Where can we find a party with political principles that last for more than one election?"

I just want to point out one aspect of that inconsistency. The major part of this bill is a section that will de-index the pensions of injured workers. Now, I know about that. I was Labour minister for two years. I know the implications and the huge monetary saving that can be garnered by de-indexation of pensions.

In fact in 1988, when we were trying to shape the models in Bill 162 that would both be responsive to the real needs of injured workers and understand that the Workers' Compensation Board has to be fiscally manageable, one of the things we considered was the partial de-indexation of pensions. We considered that. We examined what impact that would have on injured workers.

We decided, as a party and as a ministry and as a government, that that option would be unfair to the workers who were receiving those pensions, that it would be unacceptable public policy, that you simply cannot violate the bargain and the contract you've already made with people who are the beneficiaries of pensions.

We looked at it, we saw the great savings that could come to the system doing it and we said, "No, that would be wrong." To cut the pensions of the workers who have been granted those pensions in good faith represents to me a violation of a sacred contract. I rejected it then and I reject it now.

You see, right now it's easy for the government to do this because we're living in a world where there's basically zero inflation. So for the time being, when you say you're going to de-index the pensions, people look ahead and see that the cost of living went up a fraction of 1% over the past year and they realize that the impact today is not going to be very great. Back then in 1989, we had significant inflation and people could immediately see that would have a very serious effect on injured workers.

But the low rates of inflation that we have today, as we all know, are only temporary. That bunch of rogues who have formed this government during 1990-94, and till the date of the next election, know full well that they'll be out of power and long gone and no one will remember that it was the New Democrats who de-indexed pensions and violated the contract that had been made with the workers who are the beneficiaries of those pensions.

When inflation reaches 7% and 8%, which you can rely on, you can take it to the bank—this will happen over the course of the next five or 10 years. We will see that period of inflation, and when the values of those pensions start to drop, some two-bit NDP politician sitting in opposition will stand up in this Legislature and demand full indexation of those pensions because of the hardship of de-indexation brought on by this bill.

It's so disheartening to see that those people over there who day after day in 1988 and 1989 tried to disrupt Parliament and organize protests—in the last few weeks of the carriage of that bill I had to have 24-hour police protection because of the threats on my life as a result of the opposition organized by the NDP and their friends during the course of that debate.

I want to tell you that, as a result of that bill, there was no de-indexation, most pensioners with serious injuries received larger pensions, and only those workers who were able to return to work and earn more than they did before their accident were denied a pension. That made sense then and it makes sense now.

The proof is in the pudding, because when they got to power, notwithstanding all the nonsense we heard during the debate on Bill 162, there was no effort to repeal. Notwithstanding the commitment that the NDP would never do anything like that, there was no suggestion, even from day one, that they were going to change that bill, because they knew the reforms of Bill 162 prevented a financial disaster within the WCB.

What did Bill 162 do? It was pretty simple. It said that instead of giving people lifetime pensions, notwithstanding that they might go back to work and regain their full earning power, instead of giving everyone a lifetime pension when they had a permanent partial disability, what you would do is examine periodically what the financial impact of the injury was. The WCB was charged through Bill 162 to make up the difference. That made great sense then, and it makes great sense now.

What doesn't make great sense is the fact that in opposition the NDP said that this was intolerable, this was the end of the world, this was an insult to injured workers, and they would never countenance anything of that kind, and what do they do when they get in power? They bring in a bill to make some rather unadvised changes to the board of governors of the Workers' Compensation Board, and to those pensioners who have received a pension in good faith they say, "We're going to de-index your pensions."

I remember what the seniors said to the Prime Minister of Canada, the Right Honourable Brian Mulroney, when he suggested de-indexation of pensions. There was a near riot. Grey power came about in Canada. The seniors said,

"We earned those pensions in good faith and you will not cut them." But now in this period of low inflation, when everyone is talking about the financial crisis that every organization of a public nature in Ontario is facing, this government is going to be able to slip this under the rug, and the real impact of that is not going to be felt until we get into a period once again of inflation.

I simply say to my friend the government House leader and everyone, at least everyone in the government caucus who was a part of that Parliament and a part of that opposition, that to breach faith with what you said to your constituents and your friends in the trade union movement and in the injured worker community during the debate over Bill 162, to breach faith to that extent, is a message that is going to be heard right across Ontario when we finally get to an opportunity where the people will vote, and will vote to eliminate and rid ourselves of this government.

You can't keep misrepresenting what you believe in for ever to the people of Ontario. This theme of misrepresentation, whether it be on Sunday shopping or public auto insurance or workers' compensation or the sacredness of public sector or private sector collective agreements, this saying one thing then and doing another thing now, has so damaged the credibility of the political process that we will take years, I believe, to heal after you guys are long gone from the government benches and the councils of this province.

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But I'll tell you, Mr Speaker, the people of Ontario cannot wait. They cannot wait to get an opportunity to express their displeasure with the way in which this government has mismanaged and misrepresented the issues to the people of the province of Ontario.

The people of Ontario are not partisan. They don't care particularly whether it's Liberals in power or Conservatives in power or New Democrats in power. What the people of Ontario historically have wanted through the 100 years and more of our history is good, quality government; governments that can and do manage difficult issues well; governments that are characterized by the principles of integrity and a commitment to doing what you say you are going to do. The people of Ontario have, over the course of the past four years, had such an unpleasant experience with the unpredictability, the unreliability, the incompetence, the change of course, the feigned idealism of the New Democrats.

For me personally, as a former Minister of Labour who bore the brunt of the most vicious political assault during the whole period of 1985 to 1990, I simply say to my New Democratic Party friends that you may be able to pass this bill. You have a majority and it will pass and it will change the realities of life for many injured workers in the province not for the better.

But when it comes time to evaluate your performance as a government, because of this change of heart and all the other changes of heart, the social contract, the misrepresentation of the financial condition of the province—my friend from Scarborough-Agincourt, who has perhaps provided the people of Ontario with a better assessment of the real budgetary realities and fiscal

realities of Ontario than the Treasurer, the Minister of Finance, the Premier or anyone in the government caucus, I think has made the point several times in here that what the people complain about is that this government has never come clean with the people of Ontario. They have never really brought to them the issues in a way that characterize what they said as a political party and what the people expect in terms of managing the difficult issues, and this will come back to haunt you.

I know how you have bought off labour opposition to this bill, almost all of them. Yet Buzz Hargrove, the head of the Canadian Auto Workers, will not quietly let you live with this. You know that. You know that sooner or later the real impact of this bill on the lives of injured workers is going to be talked about quietly, and although we will not have the demonstrations of the kind that the member for Sudbury East organized, the proof will be not in the pudding so much as in the ballot box, when the people of Ontario will say: "What we have had from the New Democrats has been intolerable. It has been inconsistent, it has been unprofessional, it has lacked integrity and it ought to be rejected and rejected massively."

Yet there is, from my perspective, one kernel of light here in this whole process, and here I will simply commend the Premier in that he has taken the steps to set up a royal commission to re-examine workers' compensation in Ontario and other income support systems.

As a former Minister of Labour, as a member of the Ontario Parliament and as a student of public policy issues, I believe that in Ontario and in Canada it is high time that we started to look at models very different from the classic model of workers' compensation and other income support systems. I believe that if this nation could get its act together and provinces could come together with the national government, we could transform the various income support systems that we have throughout Canada into a comprehensive national income support system for all Canadians.

The realities of individuals in Canada, right across this country, is that this plethora, this hodgepodge of income support systems—whether it be municipal welfare or provincial family benefits, unemployment insurance, the Canada pension plan and all the other systems that we have to support income—have, I think, in their day served us well. But I believe it's high time that we, as Canadians, started to look at income support in a very, very different way.

We ought to start thinking about the fact that one level of government, the national level of government, ought to develop a comprehensive system for income support which will get us beyond the artificial realities of someone's failure to be able to earn income because of an accident in the workplace or an accident at home. We need to look at systems that thoroughly change the way in which we provide income support right across Canada.

All of us as parliamentarians have had to deal with injured workers who have suffered the dilemma of trying to figure out the workers' compensation system and how to receive its support as a result of injuries arising, at least in part, from the workplace. But you know, for so many of them, for so many injured workers, the system

is mysterious, ineffective, inefficient and unable to respond to the realities of that individual's life.

I think, for me, the quintessential problem is the problem of the Italian Canadian or the Portuguese Canadian bricklayer who has perhaps spent 30 years of his life—let's take from age 20 to age 50—doing hard, heavy construction work, laying bricks eight, 10 hours a day, hauling bricks, laying mortar, row after row.

Sometimes, after 25 or 30 years, that body is done. There's been no accident, there's nothing that one can particularly point to, there's no trauma that brought about the inability of that worker to one day get up and go to work, but he's worn out.

Those are the kinds of problems that the WCB, no matter how you fiddle with it, is not going to be able to respond to. There's no accident that happened on the job, there's no injury that happened on the job, there's just a body that is exhausted and can no longer climb the scaffold, can no longer lay the blocks, can no longer spread the mortar, can no longer face the tremendous amount of energy and output that is required for that kind of work. We've never had a good system for dealing with that. We've never had an income support system that acknowledges that that is the reality of so many workers.

Or I think of the worker who is in the eyes of some the victim of industrial disease. It's very difficult to identify how that disease arose and whether it was a peculiarity of the individual's biology or some infectious exposure that happened in the home or some infectious exposure that happened in the workplace, but these things do happen and we've created in the workers' compensation system all of these artificial models to partially deal with these realities.

I'm saying it's high time, whether through the Premier's royal commission or otherwise, perhaps through the federal Minister of Human Resources Development Lloyd Axworthy's initiative, to look at our social safety net. Somehow, we've got to get from where we are today to where we really could be in this nation, with a system that effectively realizes and delivers the kind of income support that we really all have come to believe in as Canadians.

I am absolutely sure that if we can ever achieve that system, it would have a high degree of acceptability right across the nation generally among Canadians from coast to coast and a high degree of acceptance by the businesses which must generate the wealth to supply the tax dollars to provide that, and I believe it could be a system that could be administratively efficient, using the very best technologies of data collection and recordkeeping that are available to us.

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You just have to apply for a moment your imagination to how we could transform the reality of the welfare recipient or the reality of the family on family benefits or the reality of the injured worker or the reality of the worker on unemployment insurance, reduce dramatically the millions that we spend on administration and increase significantly the kind of service and support that we could deliver to Canadians at this time.

But instead of that, what this government has given us, after coming to power in part as a result of its promise to crusade for injured workers, is a bill that in my view must, at least for those members who have a little bit of integrity on the government side, be a thorough embarrassment. It so violates what you said, it is so repulsive to what you campaigned on, it is so inconsistent with what you've demanded as to leave me, at least, as a former minister, almost breathless with outrage.

If you had done nothing, that would have been okay, or if you had said, in making the presentation of this bill, "We regret in part the kind of expectations that we gave to injured workers back in 1989. We apologize for our enthusiasm just to provide more benefits for everyone. We apologize to the constituency to whom we said, 'We can get you more.' We have had to bring in a bill which basically represents a cutback"—if there had been a word of contrition, I could have accepted it.

If there had been some acknowledgement that in the near past you said something completely different, I could have been satisfied. If you had built some bridge of consistency between what you said then and what you say now, I could explain this bill to the hundreds of thousands of people who are wondering how you could have proposed what you proposed in 1989 in opposition and what you deliver now in 1994 in government. If you don't at least stand in your places and build that bridge, you violate fundamentally the trust that you were given in 1990 and the trust that makes our political system work.

I can understand the change on Sunday shopping; we all knew that had to come. And there are aspects of the social contract, some, perhaps, that have some fine thread of consistency with NDP policy—not very much. But maybe that's just my perception because I remember so vividly, through these long evening debates, in 1989, in June and July—you'll recall, Mr Speaker, that this Parliament had to extend its sitting for over 25 days in July to get that bill passed because the NDP would have nothing of it. I can imagine at least a statement of remorse, a statement that: "We were not able to deliver what we said we were going to deliver to you when we were in opposition, when we were asking for your support, when we were suggesting to you that the minister, Sorbara, will be out in Brantford and it'd be a good time to create yet another demonstration. Let's get all the folks out there to show our anger at Bill 162."

If somehow you could relate your position then to your position now, I would be somewhat consoled. But the anger that I feel and the betrayal that I think you brought to your own supporters on this issue simply leave me feeling a thorough disgust with this bill. It will pass and it will change the lives, as I said, of many, many injured workers, most not for the better. It will not improve the system at all.

My only hope is that some day we as politicians, nationally and provincially, can really come to grips with the issues of income support that really do confront us as a nation.

Ms Murdock: I am very interested in responding to the remarks made by the member for York Centre,

because he was the Minister of Labour at the time that Bill 162 was brought in. I think he should have a conversation with the present Liberal critic of Labour, because I was interested to hear the comments about how there's a sacred trust in not cutting pensions. I agree, because we did not cut the pensions in this. We have not cut the pensions on any of our people in—

Mr Sorbara: Oh, come on, Sharon. What do you call de-indexation?

Ms Murdock: The Friedland formula is certainly a reduced indexation of the pension, but the pension itself is not reduced, and the most vulnerable workers—your Bill 162 workers—both pre- and post- in terms of total, 100% wage loss, and those people who are unemployed and never have any hopes of working are exempted from the Friedland formula, as you well know. Those people are not affected by the Friedland formula and they are the ones who are most severely affected by Bill 162, or what was Bill 162.

Mr Sorbara: You never asked for de-indexation of pensions in 1989.

Ms Murdock: I just think the Liberals have to get their act together.

In terms of the income support systems, I must agree with the member opposite. I think it is a situation that has to be looked at, and I'm happy to say that the royal commission is going to be doing that.

Regarding the comments that were made, that I thought were made rather bitterly, about the member for Sudbury East, I think there was a lot of chagrin and anger evidenced at the doors of this House when Bill 162 was introduced. I know that I certainly was out there arguing against it, and I'm happy to say that the return-to-work provisions, in my view, that are in these amendments today will change much of the damage done by the deeming provisions.

Mrs Yvonne O'Neill (Ottawa-Rideau): I certainly want to congratulate the member for York Centre. I do remember very well the debates on which he speaks on Bill 162 in those latter years of the 1980s. What was very different then from now is, the speeches went into four- and five-hour speeches. There was much more of an opportunity for members to say what they really felt. Now the rules have changed drastically, and even a former Labour minister only has 30 minutes to express his distaste for a piece of legislation that he doesn't feel very good about.

Bill 162 had much to its merit and was a balanced bill. I really do feel now that we are getting into a situation of more study, more study, more study—another commission. Whether it's in education or whether it's WCB, that's the answer to things. Put them off on to the next mandate. We may or may not get around to implementing the bills that we're putting forward.

I think the NDP government can't fool all the people all of the time. The people who will have to implement this bill, and certainly those who are trying to be served by it, will soon discover that it's not what it seems to be. I've discovered that with many, many pieces of legislation this government has brought forward. It's not what

it seems to be, and distrust is the name of the game out there with the Ontario people and this government at this time.

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Mr White: When I came to this assembly several years ago, I had a great deal of respect for some of my colleagues opposite. Certainly my colleague who just spoke, the member for York Centre, who was the Minister of Labour in the last government, had a great deal of experience in this area.

When I listen to him speak, he's using the language of activists, of people who have supported labour, who have supported injured workers. Yet when he says we should come clean, when he talks about indignities, when he talks about outrage, when he talks about the dashed hopes of older workers, I can't think of any time when those hopes were dashed, when "coming clean" would be a more appropriate phrase, than when he was the Minister of Labour bringing in Bill 162.

I'm sure that it must be difficult for him to see reform of that system. Yet that system and a reform of that system is one we are now attempting, not whole-hearted, not complete, as some of us might wish, but certainly when he speaks about the NDP and their friends, he's neglecting to mention that their friends are the older workers, the older at workers, the injured workers in this province. He neglects to mention them, and that's the purpose of this bill. He's neglecting to mention that they felt neglected and abused by that bill.

I would hope that in his closing comments the former Minister of Labour would come clean to this assembly and acknowledge the important reforms that are encompassed here and that workers have called for for many years from him.

The Speaker (Hon David Warner): The honourable member for York Centre has up to two minutes for his reply.

Mr Sorbara: With due respect, my friend from Durham Centre doesn't know what he's talking about.

My speech is a very simple one indeed. These volumes of Hansard contain an accurate record of what the New Democratic Party said were its policies in respect of the workers' compensation system. These volumes set out clearly, over and over again, what the promises were that were made to injured workers and the constituencies that are concerned about the workers' compensation system. It's all here. It's written down, the words that were said from the opposition benches during 13 months of debate. It's here. This is what a political party said it believed in as far as worker compensation reform.

My quarrel with this bill is not particular sections or particular lines. My quarrel is the breach of trust, which is accurately contained in these volumes representing your party's views on what we should be doing for injured workers, and what is contained in this bill. What is contained in this bill is totally and thoroughly inconsistent with what is contained in these debates, and if you continue to do that as a political party when you're in government, you will weaken the very system of government and a parliamentary democracy that has served us

for so long. This bill will pass and pensions will be de-indexed and all the other little trivia you have in here will become the law. The real damage will be to the integrity of your party and the democratic system in general.

Mr David Tilson (Dufferin-Peel): Many of us in this place were elected for the first time in 1990, and as we came to this place and in our constituency offices, it didn't take long for us to find out that the Workers' Compensation Board Act and all the surrounding legislation was an absolute mess.

We've listened just now to a former Liberal minister. I think we can all say that it's very easy for all of us to stand up and criticize each other, because certainly all parties in this place, whether it be the Conservatives, the Liberals or the New Democratic Party, have to accept some of the blame for this mess that the WCB is in. For the five years of Conservative rule from 1980 to 1985, the unfunded—

Mr Perruzza: Don't get into that at all, David.

Mr Tilson: I'm going to get into it because I want to show you the climbing debt that you have allowed to continue, and yes, that the Liberals have allowed to continue, and yes, that the Conservatives have allowed to continue. This bill will not solve that problem of unfunded liability.

If it's been said before, I'm going to say it again: Yes, when the Conservatives were in power the unfunded liability fund went from \$800 million to \$5.5 billion, a substantial amount, and during the next five years, with the Liberal government in office, that rose to \$9.1 billion. So, so much for the previous speech that we just heard as to what that government did to solve this mess.

Mr O'Connor: He was the former Minister of Labour.

Mr Tilson: Yes, he was the former Minister of Labour.

Mr Perruzza: Don't get into that. What did Elgie do? I'll tell you what he did; he golfed.

The Speaker: Order, the member for Downsview.

Mr Perruzza: He golfed all over Ontario. He was a good golfer.

Mr Tilson: Since the New Democratic Party government took power, that unfunded liability has increased to somewhere between \$11 billion and \$12 billion. At last count the figure seems to be \$11 billion, but we know it's somewhere between \$11 billion and \$12 billion.

I don't think, from all of the information that's been given to us to date, that the topic of unfunded liability is going to decrease. In the short run it may decrease. Some of the statistics I've seen that have come up are that the unfunded liability in the long run will increase in a very short period of time to \$13 billion.

Many of you have been in this place longer than I have; many have been here for their first time, as I have, in 1990. But certainly it didn't take us long to realize that serious issue of the unfunded liability and the effect that has on investment in this province, the effect on whether people are going to invest in this province, the effect of when it's going to get paid off. Is it going to keep on

increasing? If it continues to increase, how are we going to stop it? How are we indeed going to pay it off? That's the first issue.

The second issue we discovered very shortly which goes on in our offices is that most of the complaints that occur in our constituency offices are those from workers who simply don't understand the workings of the WCB and feel that they are being continually robbed and abused and unsatisfactorily treated.

I think the third issue ties into the liability issue, and that is certainly the fear of the bond raters, the fear of the investors as to where this province is going, the debt that continues to rise. Certainly, this debt that exists in the Workers' Compensation Board is something that can't be ignored any longer and can't be allowed to increase as this government appears to be allowing it to do.

I will tell you that one of the issues that the Progressive Conservative Party has looked at is the issue of privatization. I know that's an adverse policy or a policy that the current government simply would dismiss. It's against their whole standard of operations. But we must take immediate steps and at the same time protect the workers, as opposed to building up on the debt and allowing the debt to continue, because eventually it has to be paid off.

Yes, there's one solution. This bill is allegedly one solution. I don't think it is a solution. The appointment of a royal commission to study the issue is another solution. Of course, if you don't know the answer to the problem, you appoint a committee or you appoint a task force or you appoint a royal commission. That appears to be what is going on throughout all this confusion of where the WCB is going and the debates are going.

We look at the construction of a building in the shadow of the SkyDome which is going to cost the taxpayer of this province at least, at last count, \$200 million, at a time when there are all kinds of facilities in this city for the number of people who work in the WCB. The empty offices that are available are astounding, yet for some unexplainable reason this government has been talked into allowing the WCB to put up at least a \$200-million building in the shadow of SkyDome.

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There are other issues that have been mentioned, strange things that could be little anecdotes. I notice there's one minister in the House who could tell us some stories about pensions, that pensions are being received by workers even though they have other jobs. That may not be their fault, but it exists. There are at least two ministers I know of where that situation applies. It may not be their fault; all I know is that this problem exists, and it's a common problem. The pensions are being provided. Workers, who you're trying to rehabilitate with their injuries, perhaps retrain them in other jobs, continue to get pensions even though they're being paid through new jobs; a very strange procedure.

At the bottom of all this is one fact that we don't forget: who's paying for it. Who is paying for it of course is the employers. The employers are paying for it. At this particular time, they keep watching the unfunded

liability go up and they keep watching the amounts of money they have to pay go up. Yes, there are all kinds of solutions that I'm sure will be looked at by the royal commission, such as rehabilitation.

People are asking questions. We ourselves are asking questions. The Canadian Federation of Independent Business put out a survey which I think most of us have completed, at least most of us in our party have completed. I don't know when their results are going out, but there are interesting questions that they ask. They talk about financial responsibility, benefits, coverage, governance, entitlement, a number of topics that perhaps we could spend some time on. I submit that many of these issues should be in the bill and they're not.

The bill incidentally was introduced about a month ago. I think it was May 18. It's very difficult to consult with my constituents in such a short period of time. We're essentially being allowed to debate this bill. I know there is no time allocation motion, but essentially this bill is being debated tonight at, of all times, 20 to 11, in the midst of hockey games and baseball games.

I would like to hear the input from injured workers and I would like to hear the input from the employers in this province, as to what they think of this legislation. They really haven't had an adequate time to deal with this legislation or to provide their comments on this legislation. That's a sad part of it, for something as major as this to be crammed into the final two weeks of debate in this place before we recess for the summer.

Yes, it will be going out to public hearings and we'll hear some comments from the different groups that are affected by this legislation, but I must say it's regrettable that the government has chosen this particular time and not allowed time for the bill to be digested by the different groups around this province and enabled us as members of this place to listen to their concerns.

Some of the questions that are being asked with respect to the Canadian Federation of Independent Business, and it will be interesting to hear the results: They talk about financial responsibility. It says: "Since the funding strategy was adopted in 1984, rates have risen enormously from 2.17% of payroll on average to 3.01%. Currently a 3.66% average rate would be required to defray the unfunded liability by 2014." Such a hike would devastate job creation. That's one thing we can't forget as to the effect of the funding on job creation. That is the primary issue of this province. If we don't have jobs, we're in dire straits. I question whether this legislation has taken into consideration the effect on job creation in this province.

I'm continuing on with the statements that are made by the Canadian Federation of Independent Business: "While such a hike would devastate job creation, benefits changes similar to those recently implemented in some other provinces would leave Ontario workers with a fair system that is financially sustainable. The current accountability arrangements allow each of the WCB and the government to point at the other for failings in the system, resulting in the current financial crisis where the system is only 37% funded."

This was drafted before this legislation was introduced

in this House, but many of the questions that are asked remain unanswered as far as this bill is concerned. It's a question that I'd like to hear other members speak on.

"Do you favour eliminating the \$11-billion unfunded liability by the year 2014, primarily through spending reductions as opposed to assessment increases? Do you favour amending the Workers' Compensation Act to establish the principle that any change to the WCB system must not impact negatively on business competitiveness?" Very important questions. "Do you favour legislative changes to make the government more accountable for workers' compensation, including the scope and design of the system, appointments and economic liabilities?" Finally, "Do you favour the Provincial Auditor regularly conducting and making public value-for-money audits of the WCB?"

That's something I think this government should look at: allowing the Provincial Auditor to go in and look, in a value-for-money audit, at the whole system. You don't need a royal commission to come to some sort of conclusion as to how to fix the system. There is that one office, the Provincial Auditor's office. In my time sitting as a representative from my riding in this place on the public accounts committee I have watched two public Provincial Auditors and the work they do. I think that would be a perfectly logical thing to do, to allow the Provincial Auditor to go into the Workers' Compensation Board and all of its workings.

I can remember that when I first came to this place people would have lost files. They still lose files. They have computers, yes, but files would be lost, they'd be gone. You'd call up and ask for assistance for one of your constituents who had a claim and they wouldn't have the foggiest idea what you were talking about, and perhaps if they did it might take three or four weeks to get a response. To some extent, notwithstanding the introduction of a number of computers, that problem still exists. The system is absolute chaos.

For a party that has always supported the injured worker, and I can't believe that my office is any different than yours, when you look at the number of injured workers who come to see you, you simply can't believe the workings of the Workers' Compensation Board and the various appeals. How they get their problems not resolved is simply astounding. You don't need a royal commission to deal with many of those issues.

The proposed poll continues with the topic of benefits: "The WCB insurance design is financially unsustainable. While waiting periods were widely eliminated in the 1970s, New Brunswick has recently instituted their three-day waiting period as a cost-control measure." That's something I'd encourage all of you to look at. I've referred to an article in Canadian Business of February 1992 which is quite an extensive article on the whole topic of workers' compensation boards across this country. I will say that many of the concepts in this substantial article—a nice little topic here of Mr Di Santo and his workings in this place, and of course he's gone.

It would pay many of you to read this article. I'm not going to refer to it substantially, other than the fact that it was this article that refers to what has been going on in

the province of New Brunswick and the province of Manitoba. Following the lead of Manitoba and New Brunswick, you may recall that I introduced a private member's bill in this place which didn't really vary from those two provinces, a bill which I hope I will be able to debate in due course, notwithstanding where this legislation is going, because this legislation doesn't go far enough.

Following that lead of those two provinces, my bill that I have introduced, which is Bill 106, will limit the stress claims to only those that result as a reaction to a traumatic event; reduce maximum compensation from 90% to 80% of net earnings of the worker before the injury; address overcompensation by including top-up provisions in collective agreements and other income sources such as CPP benefits in the WCB benefits calculation; introduce a three-day waiting period before compensation is payable; index awards on the anniversary date of the award rather than on January 1 of each year; and, as has been suggested by many journalists and many people in the media and many people in the business community and many other provinces, allow the Provincial Auditor to conduct value-for-money audits of the board.

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Why shouldn't we? Why shouldn't we allow that to happen? The confidence in this board has reached an unbelievably low ebb. It would be very easy for me to sit down as a former speaker did, the former Labour minister, and attack you, and I could attack him, but that's not the real solution.

I don't think this bill adequately goes through the many problems that have been raised over the last period of time, the last number of years. Ten years ago, business accepted long-term rate hikes to pay off the unfunded liability by 2014. This was a long-term funding strategy developed by business and the WCB, and the purpose was to retire the unfunded liability by the year 2014. Business accepted long-term rate hikes to pay it off. This isn't a new problem; this existed 10 years ago.

The target of zero unfunded liability was reinforced by the then Premier's own business advisers from his Premier's Labour-Management Advisory Committee. In a report issued in November 1993, the business caucus of the Premier's Labour-Management Advisory Committee repeated the demands long held by the Employers' Council on Workers' Compensation to eliminate the unfunded liability by the year 2014. Business called for the elimination of the government's unfunded plans.

Yet with this bill it's estimated that the liability will increase, not decrease. The government is suggesting that an increase of the unfunded fund to \$13 billion actually represents an \$18-billion savings. I have no idea where that math comes from. The supposition advanced by the government is that in the absence of any changes, the unfunded fund would increase to over \$31 billion by 2014, and yet all of the savings being suggested by the government are future savings. Quite frankly, I don't really understand all that rhetoric. All I know is that the unfunded liability fund is going to increase, it's not going to decrease, and that is something that cries out, for all of

the reasons that I have given, for a solution in this Legislature.

The business recommendations of this committee ensured competitiveness, and that's one issue we in opposition keep trying to remind the government of, that we must be able to compete with other jurisdictions, that we must be able to compete with other provinces and with the United States. Yet with these amendments, there are going to be even more benefits that we simply cannot afford.

The business recommendation, in short, that the board would, "first and foremost, assess the financial integrity of the system and would never expand entitlement to the competitive disadvantage of Ontario business." That was the prime interest of business, because if you don't do that, you won't have jobs; you won't have the very thing that you're trying to boast about, that you're trying to create in this province, and that is jobs.

The government, contrary to that wish, that request, that demand, has chosen to omit this important aspect of the business recommendation in this piece of legislation. In fact, the amendments that are being put forward by the bill will compel the Workers' Compensation Board to expand entitlement in cases such as stress and then require the board to hike assessment rates to pay for the expanded entitlement. This is the exact opposite of what the business advisers recommended and I don't understand why that advice has been rejected.

With this legislation, the Workers' Compensation Board will be forced to increase entitlements, regardless of competitive implications. If medical science supports the payment of stress, which the Workers' Compensation Appeals Tribunal has concluded, then the WCB would be forced to pay for these types of claims, regardless of the financial consequences. That seems to be what this government does in so many of its things: It doesn't consider the financial consequences.

The government really, with this legislation, and this is the most serious of all the issues I wish to address tonight, has in fact seized control of the policy, of the agenda, of the Workers' Compensation Board.

One of the founding principles of the Ontario workers' compensation system is the deliberate separation of the government from the administration of the Workers' Compensation Act to ensure politics-free, arm's-length administration. The government would design the legislative boundaries of the system, while an independent agency would oversee the implementation of that legislation.

The system was designed over 89 years ago and there was concern then, as there is a concern prior to this legislation, that an independent agency such as the WCB would be open for manipulation by partisan political considerations. Since then, there's been an endless effort to ensure that the board is truly independent and that the government is unable to interfere with the day-to-day operation of the board.

Now, with this bill, and specifically section 65.1, for the first time ever, this government is going to have unprecedented political control over the policy workings

of the WCB. For one year after proclamation, the Ministry of Labour will assume complete control of policy.

Subsection 65.1(1) says: "The minister may issue policy directions that have been approved by the Lieutenant Governor in Council on matters relating to the board's exercise of its powers and performance of its duties under this act."

Subsection (2): "In exercising a power or performing a duty under this...the board shall respect any policy direction that relates to its exercise."

And finally, subsection (3): "The board shall report to the minister whenever it exercises a power or performs a duty that relates to a policy direction."

This government, with this bill, has simply taken away the independence that has been so greatly protected by government for almost 80 years, in a swift draw of the pen. The new board of directors, with this piece of legislation, will be indeed powerless. The politicization of the Workers' Compensation Board effectively renders powerless the new bipartite board of directors. The government should speak to the board through the law it passes, not through measures that make a mockery of the very board the government is purporting to change.

2300

That would appear to be an end to the consultation that this government of the province of Ontario has sought so much over the years. We will now see the direct policy of the government of Ontario being implemented by the WCB and it will no longer be independent.

There's a very brief period of time which I have, and as one of the previous speakers indicated, we really don't have adequate time. The critics for the Liberal Party and the Conservative Party have spent some time on many of these issues and no doubt they will be raised during the hearings, but I perhaps will only make one more comment and that is with respect to the recommendation to reduce the unfunded liability that I submit and many others submit is full of holes as far as this legislation is concerned.

One of the key recommendations advanced by business was the adoption of what is known as the Friedland formula. The government plans on adopting the Friedland formula, and that is 75% of the consumer price index minus 1%, with a cap of 4% per year. That's the formula. The formula is with respect to calculating increases in pensions. Currently, as many of us know, pensions are adjusted at the rate of the CPI. However, rather than accept the recommendations of the business caucuses to apply this to all cases, the government isn't going to be doing that with this bill.

The government has provided exemptions for 45,000 people, which immediately limit the impacts. Moreover, the government is increasing pensions by \$200 a month for life for about 40,000 workers who receive older worker supplements; in other words, for pre-1990 injuries. It has been estimated that these increased pensions—and the member for Sudbury, or whatever, indicated that wasn't happening. Well, there's no question that the pensions are being increased by this legislation and will add \$1.5 billion to the unfunded and will cost

about \$86 million per year.

Mr Speaker, I have simply run out of time. I can tell you that the answer this government has with respect to the problems of workers' compensation, of simply having a royal commission to study the issue, to stall off the issue, isn't enough. We need action now. This bill is clearly in the long run going to add to the liability fund even greater than what we'd ever dreamed. I too will be voting against this legislation.

The Speaker: I thank the honourable member for Dufferin-Peel for his contribution to the debate and invite any questions and/or comments. The honourable member for Middlesex.

Mrs Mathysen: I'll be very brief. I listened carefully to the member for Dufferin-Peel and I found it fascinating that he bemoans the fact that the new WCB will be accountable to government. I thought that was precisely the point, that we had a difficulty that goes back to 1980, when the unfunded liability began to grow out of control. As anyone here who knows anything about interest rates will understand, an unfunded liability that began at \$400 million and was by 1985 \$6 billion and by 1990 \$10 billion is clearly out of control.

To say that it's not practicable to make sure the new board is accountable to government is a rather irresponsible position. We know very clearly that government taking control and saying, "You must be responsible. You can no longer run up enormous debt. You must be accountable to the people of Ontario," is a positive measure.

I would also like to say, in terms of the other criticisms, that we need very, very clearly to take control of this situation; we can't simply say it will take care of itself. This bill does precisely that. This bill is addressing the problems we have seen evolve over the last 14 years. It will be an effective solution to the unfunded liability problems, the problems within the board itself, and the need to put very clear measures in place so that those workers who wish to get back to work have the opportunity for rehabilitation so they can indeed get back to work and make a contribution to this province once again.

Hon Shelley Wark-Martyn (Minister without Portfolio in Health): The presenter mentioned the pension that I receive, and it has been mentioned several times over my period in this Legislature. I think it's important for the member to recognize that not all injured workers receive a pension. They're not easy to receive. Your damages have to be severe to the point that you're not returning to work, that your lifestyle has been affected.

People who receive pensions are people like Steve, who doesn't have an arm any more and can no longer make snowballs with his children outside, who can no longer function like you probably can in your life. People who receive pensions are people like me who can no longer go back to their job in nursing, which is where they'd like to be in their life, who have had to give up skiing and curling and picking up their 18-month-old daughter because of an injury. That's what the pensions are all about.

They're not lucrative pensions. I don't know anybody who's on a WCB pension who says, "This is enough to pay all my bills for a month." This is a recognition of an injury, a loss of their lifestyle, a loss of the vocation they chose earlier in their life, which they are being, I guess you can say, awarded in recognition that this is a loss in a lifestyle they had chosen to lead.

If people have to give up their pensions, does that mean that other people who work and have a pension and retire and then get another job, another employment, have to give up their pension rights? I think we should be very careful when we try to blame people who receive WCB pensions. Those are injured workers. Those are victims of a system, of a workplace that maybe wasn't adequately equipped with safety devices.

Let's also recognize, and it has been mentioned, that in the last four years it's probably the first time you've had so many working-class people working at Queen's Park in this party, representing the people of Ontario who are actually out there working and at risk every day.

Ms Murdock: I'm not planning on using the full two minutes. I just would like the member to bring his mind to page 5 of the amendments on Bill 165, to section 65.2 regarding the memorandum of agreement that must be signed within six months after the section comes into force and be reviewed every five years thereafter.

Frankly, when he brings up Simcoe Place, once again it should be pointed out that the joint venture that was signed with the TD and Cadillac Fairview was done in 1989, and that the penalties and the litigation that would have ensued had we not proceeded were almost the worth of the building. So to keep bringing that up, we will now guarantee in this section that it will never happen again.

The Speaker: Further questions or comments? The honourable member for Dufferin-Peel has up to two minutes for his reply.

Mr Tilson: There's no question that all of us have an obligation to maintain affordable and efficient service to the people of Ontario. There's no question that we have to do that.

I draw to members' attention the inexcusable \$200-million building. I don't care what rhetoric you use; it's inexcusable. I also find inexcusable the mounting increase of this debt, this unfunded liability. There doesn't seem to be any genuine effort to reduce it. It's like the debt that the Treasurer is continuing to wrestle with. If we don't reduce it, how is it ever going to be possibly paid off? The spending must be curbed. For Canadians and people from Ontario to have to pay off this debt years from now is simply inexcusable.

2310

That's why I have referred, as others have referred, to the plans that have been developed in the province of New Brunswick and in the province of Manitoba to make substantially different changes than what is being proposed by this government. I would suggest that all members of the New Democratic Party take a look at those changes and the effect it is going to have on the systems in those two provinces.

At the very least, Ontario should do the same as what

has happened in those two provinces. Providing WCB benefits that match or exceed the take-home pay of workers after taxes and employment expenses is an open invitation to abuse, and it's one of the reasons why injured workers spent an average of 43.8 days off the job in 1990, compared to only 23.4 days in 1980.

The Speaker: Is there further debate?

Mr David Ramsay (Timiskaming): To the I'm sure potential relief of those remaining in the House, I won't be too long tonight, though the hockey game is over now and all the channel surfers of course will be moving right over to the legislative channel of Ontario, I'm sure, by the thousands, I would predict, so we'd probably be able to catch a few people. They may be going right by also, but a few minutes I think would be worthwhile.

I would just like to relate some of my personal experience as the member for the riding of Timiskaming and my involvement with the WCB. I think it would be kind of interesting for people out there, who probably wouldn't realize that an MPP would get so involved in cases of their constituents in regard to the WCB. Certainly before I was elected I didn't think I would end up sort of running a couple of mini-Ombudsman offices that one's constituency office becomes in working as an advocate for injured workers in one's riding.

Coming from a riding in northern Ontario, as I do, many of the men, almost most of the men in certainly the past generation in my area, made their living from working in the bush, extracting wood, or also working underground or in open-pit operations in the mines.

Unfortunately these occupations are very dangerous, and we have a very high case load of injured workers in our area. In fact, I would say we would have on an ongoing basis at least 150 cases going on all the time in the Kirkland Lake office and probably under 100 in the Haileybury office. Probably there are 500 files, in the nine years I've been there, that are in that office now, as I said, about 150 active.

It's amazing how much time an MPP's staff and those resources spend on being that advocate, that mini-Ombudsman. In fact, I've had a constituency assistant with me since day one that I was elected to this place. She's been there for nine years and she's become basically a full-time specialist in working on WCB cases. That's all she does five days a week, work on that.

Interestingly enough, this is not one of those issues that one side is unhappy and the other side is not. Both workers and employers are unhappy with the way this system works. Unfortunately, today I guess we're talking about kind of tinkering with this bill when I think massive revolutionary reform is needed.

I was a little disappointed to see that this government hadn't tackled this earlier and hadn't tackled it based on one of its policies and one of our policies, that you would maybe look at a more universal accident and sickness type of program, rather than just looking at WCB. Maybe we should be expanding the net out there and looking at all the cases of when people are injured.

It seems a little unfair to me, and maybe it's not quite right, that there's a big difference whether you get injured

on a Friday afternoon at work or Saturday morning on a soccer field, maybe enjoying some recreation with your family. In either situation or any other recreational situation, one can find oneself becoming a quadriplegic or a paraplegic after traumatic injury and finding oneself in the position of not being able to fend for oneself and one's family. We in this province still haven't addressed that. Other jurisdictions around the world, notably New Zealand, have addressed that issue, and I think maybe it's time that we did that.

I suppose we're going to have to work incrementally, and that's what the government has decided to do, so Bill 165 is an attempt at that. Then they've got the royal commission, which will be another attempt at that.

I'd certainly like to salute my colleague Steve Mahoney, the MPP for Mississauga West, who I think produced a tremendous task force report earlier this year, April this year to be exact, called Back to the Future. I think he did a very comprehensive report.

In talking to my colleague, he sort of had the same feeling that I did, that maybe the way to reform the WCB would be to start over again, that maybe it was not fixable at all, because many of us have tremendous complaints about it and we quite frankly think it doesn't work at all.

Steve had the patience to listen to both injured workers and people in the labour movement, and also to employers, and really started to come up with some good ideas. In fact, he started to travel the country, going west from Ontario. Quite frankly, what he did was cherry-pick all the best ideas from the workers' compensation boards from Manitoba all the way across to British Columbia. Actually, there are some very good, efficiently working workers' compensation boards in Manitoba, Saskatchewan, British Columbia and Alberta. He had some very good consultation with the board members and the employees out there in that area.

He's got a very good plan here, and I would hope that the government members would look at that and that the government's royal commission would look at those ideas, be open to ideas not only in Steve's report but from all the jurisdictions across this country, some of the American states that have some progressive programs and

also other countries such as New Zealand and Australia that have very progressive workers' compensation boards.

We really have to do something to make this a financially sustainable operation. As we know, it's \$12 billion to \$13 billion in debt. Somebody mentioned today it's \$2 million a day coming into debt, accumulated deficit. That clock is ticking very quickly. It's going to bankrupt the employers of this province if we don't get on with it. It's time we did get on with it.

My colleagues have been very critical about Bill 165, hoping that the government would do much more than this. One would have to hope that when the royal commission comes in that it does do a comprehensive review and come in with some comprehensive reforms. Whether it will be this government or another government in the future that will bring in reforms, whoever is here will be faced with a very massive set of changes to make sure that the WCB in Ontario works both for injured workers, for all the working men and women in Ontario, and also for the employers that have to fund this program.

The Speaker: I thank the honourable member for Timiskaming for his contribution to the debate and invite any questions and/or comments. Is there further debate?

Ms Murdock, in the absence of Mr Mackenzie, has moved second reading of Bill 165. Is it the pleasure of the House that the motion carry? Carried.

Hon Brian A. Charlton (Government House Leader): The House leaders had some discussion earlier and agreed that we would see a division here this evening and that the vote would be deferred until after routine proceedings tomorrow.

The Speaker: Is that agreed? Agreed and so ordered. Orders of the day.

Hon Mr Charlton: In view of the time and in view of the fact that we had only agreed to do this piece of business today, I'd move the adjournment of the House.

The Speaker: That's reasonable. The government House leader moves adjournment of the House. Is it the pleasure of the House that the motion carry? Carried.

This House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2319.

ERRATUM

No.	Page	Column	Line	Should read:
143A	6912	1	44	The bill was also given third reading on motion.

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Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 15 June 1994

**Journal
des débats
(Hansard)**

Mercredi 15 juin 1994



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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 15 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 15 juin 1994

The House met at 1332.

Prayers.

MEMBERS' STATEMENTS MINISTER OF LABOUR

Mr Steven W. Mahoney (Mississauga West): Mr Speaker, I'd like you to know that we believe there has already been a shuffle in Bob Rae's cabinet.

Unlike shuffles in the past, which saw the Premier give the boot to such talented individuals as the members for Peterborough, Kitchener, Welland-Thorold, St Andrew-St Patrick, Perth, Fort York and Elgin, all booted from his inner circle, this time the Premier didn't tell a soul—not the media, not the opposition, not even the man turfed by the Premier, former Minister of Labour Bob Mackenzie.

Bob Mackenzie tried to put on a brave face as the Premier made it clear that he was taking the lead on Bill 165, the government's half-baked and ill-conceived scheme for reform of the Workers' Compensation Board.

Can you imagine the shock this was to the labour movement, which has worked so closely with Mr Mackenzie for over 50 years? What a slap in the face it was for Bob Mackenzie, who had worked all his life to be in a position to bring about his vision for a new WCB. Now Bob Mackenzie is silenced, left sitting on the sidelines. The Premier has stolen his lifelong dream.

One cannot blame Bob Mackenzie for just packing it in and taking his two-week vacation during this important time at the Workers' Compensation Board. I say to the Premier, the new Minister of Labour, you have big shoes to fill. Your predecessor was a man of conviction, a man who always put the health and safety of injured workers at the top of his priority list. To the Premier, it's a shame you and Bill 165 will not do the same.

ROBERT SCHAD

Mr David Tilson (Dufferin-Peel): I rise in the House today to honour an outstanding businessman in Dufferin-Peel. For many years Robert Schad, president of Husky Injection Molding Systems Ltd., has contributed to the prosperity of Bolton and the town of Caledon. To thank him for his contributions, the Caledon Chamber of Commerce has organized an appreciation banquet this evening in the town of Caledon.

Husky is a major employer in Caledon. Out of a total of 1,300 employees worldwide, 870 work at the facility in Bolton. Many of these jobs are valuable positions in such areas as engineering and design. In November 1993, Husky opened its Advanced Manufacturing Centre. In 1994, the company has opened a robotics division and is currently expanding its machine division.

Husky assists the people and businesses of Caledon through its support of charitable organizations like the Caledon Information Centre and the children's aid

society. The contributions of Bob Schad and Husky Ltd have helped these and other groups to continue their important work in Dufferin-Peel.

Husky has also taken part in environmental initiatives. Mr Schad helped open a Wildcare facility that aids animals injured in car and other accidents.

These community and environmental initiatives have helped make Bob Schad and Husky Ltd highly respected members of the business community. I would like to commend the efforts of Robert Schad and the people at Husky and wish them well in all future endeavours.

PROGRESSIVE CONSERVATIVE PARTY

Mr Gordon Mills (Durham East): Today I'd like to take the opportunity to point out the significant changes taking place through the transformation of that once powerful Ontario institution, the former Big Blue Machine, which used to call itself the Progressive Conservative Party.

Since the federal PCs nearly self-destructed last fall, Ontario's once-proud Tories have embarked upon what some in this chamber call the American Revolution. I believe it is more accurate to call the self-promoted Mike Harris plan the Non-Sense Revolution.

In Mr Harris's attempt to prevent the Reform Party from stealing his thunder and his votes, he has jettisoned whatever might have been progressive in his party's policies.

He has bypassed his own party's organization and gone to the Americans to help him craft a set of policy proposals that will see Ontario abandon the values that even many Tories used to think made this a great place to live, to work and to do business.

Our Premier has said that the Harris plan would take a chainsaw to Ontario's services that people need and want. Today I want to point out that the revolutionary Mr Harris has also taken a chainsaw to the Ontario PCs, cutting away the sense of social responsibility that once was a redeeming feature of Tory premiers past.

Voters of Ontario, take a hard look before you are taken in by the simplistic, hollow promises of the Harris plan. Harris's colleagues should think back to 1985 and 1987—

The Speaker (Hon David Warner): The member's time has expired.

Mr Mills: —and 1990 when their party ignored the challenge to remain progressive and you got—

The Speaker: The member's time has expired.

Mr Mills: —from voters exactly what the leader of the third party is headed for again.

The Speaker: Order. Would the member for Durham East please take his seat.

LAND-LEASE COMMUNITIES

Mr Joseph Cordiano (Lawrence): I rise today to illustrate yet another example of the NDP government's flair for mismanagement and incompetence. The latest fiasco involves a private member's bill put forward by the member for Simcoe Centre concerning land-lease communities.

While it has been estimated that this bill will directly affect over 20,000 residents of land-lease communities, this bill was given only two days of public hearings. Just days before the public hearings were scheduled to begin, the member for Simcoe Centre brought forward over 25 amendments to his legislation, which contained only 26 sections.

Then, under the pretext of consensus building, the member for Simcoe Centre selectively invites concerned individuals to participate in some meetings, completely removed from the committee process, to discuss the contentious aspects of the bill. These meetings were not inclusive, and I have received letters from those who had a stake in the issue and who wanted to attend but never received an invitation. To suggest that these meetings replaced or satisfied the need for full and comprehensive public hearings is a grave injustice to those residing in land-lease communities.

I have repeatedly called upon the Minister of Housing to do two things: bring forward government legislation for land-lease communities and ensure a comprehensive public hearings process. But the minister has not brought forward government legislation, nor has she indicated that she will do so. At the end of the day, those thousands of Ontarians living in land-lease communities will not have their say. Their input is not welcome by the NDP.

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HEALTH INSURANCE

Mr Allan K. McLean (Simcoe East): My statement is for the Minister of Health. A growing number of my constituents in Simcoe East are distraught about the panicky and shortsighted changes you have made to the Ontario health insurance plan. You have arbitrarily slashed health coverage by 75% for Ontario citizens who are hospitalized outside of Canada.

I suspect these changes were made by a cash-strapped government, desperate to wring every last penny out of the people of Ontario. Your restrictions on out-of-country payments are unfair and unacceptable to senior citizens and violate the language and principles of the Canada Health Act.

Your reduction coverage will affect all Ontarians and will have the greatest impact on seniors who must travel south during the winter months for important health care reasons. These people will be forced to absorb huge health insurance premium hikes.

The government justifies its policy on the basis of not wanting to pay excessive hospital costs, even though out-of-country hospital coverage is based solely on the rates charged by Ontario hospitals. Clearly, this reduction in out-of-country coverage below the rates charged by Ontario hospitals represents a violation of sections 7 and 11 of the Canada Health Act.

The people of Simcoe East, especially senior citizens, urge you to act in a fair and just manner by preserving the sacred principles of medicare and restore out-of-country hospitalization coverage.

CHILDREN'S GROUNDWATER FESTIVAL

Mrs Irene Mathyssen (Middlesex): Last week I had the opportunity to visit the first annual children's groundwater festival at the Ontario Agricultural Museum in Milton.

An estimated 7,000 elementary school children from grades four to six participated in the five-day festival. More than 30 hands-on interactive discovery centres were available around the 80-acre festival site. Organizers ensured that the learning about groundwater was blended with fun. Activity centres like the Royal Flush, water-witching, well-drilling and the Amazing Aquifer were designed to teach about the importance of groundwater to Ontarians.

In Ontario alone, more than 400 million cubic metres of groundwater are consumed annually by households, businesses and farming operations. Providing an opportunity for children to become aware of this resource, its value and the need to protect it was the purpose of the organizers, because educating children about the need to protect this resource is an important part of ensuring a reliable water supply for the future.

Congratulations must be extended to festival organizers Gerry Rich, Terry Flynn and Nancy Pitman; the corporate sponsors; Tony Price, the general manager of the agricultural museum; museum staff; 300 volunteers, teachers and resource people; and of course 7,000 inquiring and responsive children, for the success of this first annual festival.

May there be many more festivals, because it's part of ensuring a protected environment and safe water resource.

LONG-TERM CARE

Mr Bruce Crozier (Essex South): I have received many letters and petitions from concerned retired constituents regarding the cost of residential care and lack of funding in long-term care facilities.

The riding of Essex South has the second-largest per capita of seniors to total population in Canada. Second only to Vancouver Island, BC, 18% of the population of Essex South is over the age of 65.

This is an issue that concerns every area of the province but is of particular concern to me and the Liberal caucus. In 1993, due to staff cutbacks caused by insufficient funding and social contract days, in homes for the aged they have lost 30,000 hours of care to residents, affecting over 460 staff positions.

Do the elderly rank in government priority? I do not understand why cutbacks and efficiency have to be at the expense of 56,000 frail senior residents in homes in the province.

Compare the following levels of per diem funding: young offenders, \$300 a day; jails and detention centres, \$118 a day; other correctional institutions, \$137 a day; non-profit homes for the aged, \$79.61 a day. Elderly residents pay an average of \$33 of the \$79.61.

Without questioning the value of any of the services offered to these different groups in our society, are the vast differences in funding justifiable?

KAWARTHA-HALIBURTON
CHILDREN'S AID SOCIETY

Mr Chris Hodgson (Victoria-Haliburton): The Kawartha-Haliburton Children's Aid Society is in a state of crisis. The ability of the society to fulfil its mandate to protect the most vulnerable citizens within our province, our children, has been severely hampered by a growing debt load. Their ability to meet the mandated requirements of the Child and Family Services Act is being jeopardized.

Because of recent cutbacks, the equivalent of 16 front-line positions have been lost. The most alarming of these losses was the total elimination of the sexual abuse treatment worker, but we have also lost social workers, foster care workers, shift leaders and youth workers.

As a result, there will be no direct service for victims of child sexual abuse, no parent aid at all in Victoria and Haliburton counties and reduced support in Peterborough county, no treatment or group home services for adolescent girls, no prevention counselling services.

Regrettably, the Kawartha-Haliburton Children's Aid Society can only provide the hard-core protection services. Only instances where there's a blatant need for protection will be responded to. Other community services in our area do not have the resources or the expertise to deal with an ever-growing case load and thus cannot be relied upon to pick up the shortfall in the children's aid society service delivery.

The Minister of Community and Social Services has promised to conduct an operational review but has not done so. I urge him to do so immediately so that the 168,000 people residing in these three counties have protection for our most valuable citizens, our children.

LABOUR DISPUTE

Mr Tony Martin (Sault Ste Marie): I rise today as the third member of this esteemed bench here to share with the House my real concern about a labour relations situation in northern Ontario that should concern us all.

The pilots of norOntair who are members of the Canadian Air Line Pilots' Association organization have been attempting to get a first contract with their employer for over one and a half years now and have been on strike for about a month. It is important to note that they fall under the jurisdiction of the federal labour relations act. If they were under the newly reformed Ontario Labour Relations Act, this dispute would have been settled long ago, as there are provisions now in that act that cover speedy resolve of a first-contract negotiation.

This work stoppage affects very clearly and directly a number of smaller northern Ontario communities that rely on norOntair as their most convenient connection with the outside world, particularly in emergency situations. I don't think their request for parity with industry standards is unreasonable and my review of progress to date does not lead me to believe that resolution of this dispute is beyond reach. It is unfortunate that so many people are being negatively affected.

It is in the spirit of the newly reformed Ontario Labour Relations Act and the length of this dispute and its impact on northern Ontario that I am encouraging today both parties to apply for binding arbitration.

VISITORS

The Speaker (Hon David Warner): I invite all members to join me in welcoming to our chamber this afternoon, seated in the Speaker's gallery, Mr Alex Andrianopoulos and Ms Virginia Orfanos, from the Parliament of Victoria, Australia. Welcome to our chamber.

ORAL QUESTIONS

SALE OF AMMUNITION

Mrs Lyn McLeod (Leader of the Opposition): My first question was for the Premier, but as he is perhaps delayed, I will stand down my first question and direct my second question to the Solicitor General.

Minister, my question once again concerns your government's continuing failure to control the sale of ammunition in Ontario. As you know only so well, it was last April 21 when MPPs from all parties voted in favour of a private member's bill that was sponsored by the member for Ottawa West which would deal with what we believe to be a very important issue.

The bill is before the justice committee and the justice committee has heard now from two constitutional experts who have clearly stated that it's within this provincial government's jurisdiction to deal with this issue.

Minister, we believe there is no need for delay. We have a problem right now on the streets of our cities and you indeed have the power to act. You have said that you support legislation to control the sale of ammunition. If you indeed support this, will you act to pass this legislation before the end of the sitting?

Hon David Christopherson (Solicitor General): I stated yesterday very clearly—although the honourable member was not herself present, I'm sure her caucus would have advised her what happened—this government's continuing support for the issue of more responsible control of the sale and accessibility of ammunition, and that I thought it made eminent good sense for us to allow the committee to finish its work, since it is due to be finished within a few days, I believe; if not that, within a few weeks.

In fact, it was the honourable member who originally asked for such a committee to be struck, so I find it passing strange that you now want to give them the back of your hand and decide how you want us to move unilaterally.

1350

My third point is that if indeed we know that the federal government is going to move in a timely fashion, it wouldn't make sense for any provincial government to move, as we do know there's no question about the fact that the sale of ammunition is under the purview of the federal government with the Explosives Act, which is federal legislation.

Barring those, then yes indeed, if the recommendations of the committee were that we should move, this government would.

The Speaker (Hon David Warner): Would the minister conclude his response, please.

Hon Mr Christopherson: I fail to understand why the member feels she has a valid point in rising day after day.

Mrs McLeod: Minister, the members of my caucus did indeed advise me not only of your answer in the House yesterday in which you indicated that you do support legislation to control the sale of ammunition; they advised me also of the actions of the members of the government on the justice committee. I would remind the minister that you are indeed the government and you have a majority of members who sit on the justice committee, and that majority has recommended delaying action; as you've suggested today, perhaps delaying action until the federal government has taken the lead in acting on that issue.

We do not believe it is good enough to simply delay. You had said before that you didn't know whether you had the constitutional ability to act. The committee has been told you do have the constitutional ability to act.

Every day of delay means there is a likelihood of more crimes being committed with guns that are loaded with easily store-bought ammunition. The Legislature voted in principle in favour of controlling the sale and purchase of ammunition. Will you instruct your members, your majority members on the justice committee, to stop delaying and to act on this important bill?

Hon Mr Christopherson: Again the honourable member wants to have it both ways. I can remember not long ago when members of the Liberal caucus were up accusing this government of not giving our non-cabinet members on standing committees enough flexibility to do the job of an MPP. Now she's asking that we muzzle members of that committee and dictate to them what they should do. This government doesn't act that way. We don't treat our backbenchers that way.

Interjection.

The Speaker: Order. The member for Mississauga North is out of order.

Hon Mr Christopherson: I don't expect for a moment that anybody who's on the government side of that committee is going to march in lockstep with every word and comma that I might ask, or anyone else on this side of the House. That's not to say that we don't hope for some consistency in policy, but we don't give orders, we don't dictate to the members what has to happen. I don't believe it's a fair question at all to be saying that we're ordering some kind of delay. The members are doing what they believe is in the best interests of the public in dealing with this issue.

Two quick points: The member talks about us deliberately trying to delay this issue—further from the truth. We're trying to make sure the most efficient way of dealing with this issue is handled, and if the federal government says it is going to move on this and it is going to do it in the same kind of timely fashion that we could—

The Speaker: Could the minister conclude his response, please.

Hon Mr Christopherson: —why would we duplicate public taxpayers' money by having public servants and efforts spent on something that another level of government has already said it is going to do? I would also point out, in terms of delay—

The Speaker: Could the minister please conclude his response.

Hon Mr Christopherson: —I hope the public never loses sight of the fact that the Liberal Party of Ontario didn't even start asking questions about this issue until there were headlines. So don't start talking to us about delays and caring and timeliness. We were on this long before—

The Speaker: Would the minister please take his seat.

Mrs McLeod: I honestly don't understand why this minister has such a passionate need to defend delay; I just don't understand what the problem is for this government.

You wondered if you had the constitutional ability to act as a provincial jurisdiction. You've been told by two constitutional experts that you do have the ability to act. You have a majority on the justice committee, so you have the ability to move forward on this issue and to bring that bill out of committee. You have support indicated by all three parties of the Legislature for this bill. You don't need to wait for the federal government to act, and no action you would take would appear to be inconsistent with anything the federal government might do on the issue. Yet every single day you fail to take action is a day in which ammunition is easily available to people who are ready to commit crimes.

I believe you must act quickly and decisively on this issue. You support it, there is support for it, you have the ability to act. I just ask you again, why won't you act?

Hon Mr Christopherson: I sincerely believe the member does not have an issue. We've been around this a number of times and I believe I fully answered all the questions in an appropriate fashion.

YOUTH EMPLOYMENT

Mrs Lyn McLeod (Leader of the Opposition): The Premier has arrived. My second question, then, is for the Premier.

Premier, a large number of students are graduating from schools this month, from universities, colleges, high schools, and a great many of them do not have a job to look forward to this summer and indeed will not have long-term jobs to look forward to when the summer is over.

Last week, we saw the new statistics from Statscan. Statscan announced that the official unemployment rate for people aged 15 to 24 is 18.5%. Clearly, that's unacceptable, and I think you would agree that's unacceptable. But that's just the start of what those statistics told us, Premier, because they also told us that in the past year, the number of young people in the workforce has declined by 20,000. That's 20,000 young people who have simply given up looking for work, young people who have no hope of opportunity, and that means that the real rate of unemployment among young people is probably closer to 30%.

Premier, during the discussions I had with young people when we were preparing our Jobs for Youth plan, I met one young man who has a degree in chemical engineering from an Ontario university. He was not able over the past year to get any type of job in Ontario. He's now working in a florist shop in New York state. That's the kind of unemployment and underemployment that's the reality for young people in this province today.

My question is a simple one. Why is your economic plan failing Ontario's young people?

Hon Bob Rae (Premier): Mr Speaker, I will pass that question on to the Minister of Education and Training.

Hon David S. Cooke (Minister of Education and Training): I indicated in the House the other day when a similar question was asked that this government—the facts speak for themselves—is spending more money on job creation for young people than has ever been the case in the history of the province. The amount we're spending is nearly \$185 million. It's also important for the Leader of the Opposition to remember that no matter how many times she wants to say it, the facts are clear: Jobs are being created in this province.

If you listen to and talk to people in the communities across this province, private sector jobs as well are being created for young people in more numbers this summer than they were last summer, so things are getting better in this province than they were and the economy is taking shape and improving. You know that and I know that. In my own community, I know the auto sector for the first time in a long time is hiring students for summer work because the auto sector has picked up. Those are facts.

Be a doomsdayer, say all the negative things you want to say in this place, but things are getting better in this province in spite of what the Leader of the Opposition is saying.

Mrs McLeod: I'm more than a little surprised that the Premier would defer this question to the Minister of Education and Training, because this was not a question about training of our young people, this was a question about job opportunities for young people.

I noticed when I recognized the fact that 20,000 fewer young people are in the workforce now than there were a year ago, the Premier said, "Well, maybe they're all in school." If the Minister of Education in answering this question is saying that those 20,000 young people are now going to be accommodated in our colleges and universities, we'll be very interested in seeing just how you're going to do that, because I believe that the majority of those 20,000 young people are simply not able to find any opportunity in the province of Ontario.

1400

Minister, you, just like the Premier, have answered this question by saying, "Yes, there's an economic recovery and we should look on the good side and we should see where there is some job creation." We would all like to do that, except that the reality is that this province is still lagging behind the rest of the country in taking advantage of the recovery.

Your budget, the budget presented by your government, calls for job creation of 62,000 jobs in 1994. We

are almost halfway through the year, and of those 62,000 jobs, there are only 15,000 new jobs in Ontario.

The Speaker (Hon David Warner): Could the leader place a question, please.

Mrs McLeod: During that same period, the rest of the country has seen jobs increase by 169,000. This is a made-in-Ontario recession, and your government is responsible for that. Why else do you think this province, that used to lead this country's economy, is now trailing the recovery so badly?

Hon Mr Cooke: If this is a made-in-Ontario recession, then one has to ask oneself, why did we go into recession only weeks after the Liberals were thrown out of office? It was obviously made by your policies, if that in fact is the case. Let's get real about this. The last time you got up—

Interjections.

The Speaker: Order.

Mr Steven W. Mahoney (Mississauga West): Call an election. Let's go ask the kids who don't have jobs who they're going to vote for.

Mr James J. Bradley (St Catharines): He's got to wait for the Quebec election. Don't bother him.

The Speaker: Just slightly ahead of the election, perhaps we could hear the reply from the minister.

Hon Mr Cooke: The last time the Leader of the Opposition asked a question about jobs in the Legislature she was talking about negative job creation in the province, that there were negative jobs created.

The fact of the matter is that there have been tens of thousands of jobs created in this province this year. Statistics Canada bears that out. Every prediction in terms of growth shows that this province is going to lead the way and in fact is leading the way. Look at our manufacturing sector. Young people benefit from those jobs being created.

The Leader of the Opposition likes to get up and criticize every day when she's here, but the fact of the matter is, she never says what she wants to do. What would you do in terms of creating jobs? What do you think the Liberal government should be doing federally? Tell us what your suggestions are and maybe we can act on them—unless you change your mind tomorrow.

Mrs McLeod: I would be more than happy to be in the position to be able to start to implement the job creation economic strategy that we have put in place, because we believe it would work and that it would start to create jobs for people in this province, and I welcome that opportunity at the earliest possible moment. In the meantime, we have to deal with this government and this government's record and this government's dismal failure to create jobs in this province.

It's 1994, Minister, and there are 15,000 new jobs in Ontario compared to 169,000 new jobs in the rest of this country. We did talk about negative job creation in the first quarter because Ontario lost 4,000 jobs in the first quarter of this year; last year, 1993, 17,000 fewer jobs in Ontario while every other province was gaining jobs. That is the record of this government, and this govern-

ment alone, almost four years after this government came into office.

A young person who was under the age of 24 when this government first entered office is now moving into their late 20s. The unemployment rate for young people aged 25 to 34 has gone from 6.8% in 1990 to 9.7% in May 1994. These are the young people who've already had a difficult time starting in their careers. These are the young people who in many cases are heading families, and those families are facing severe economic difficulties. This generation of young people has been hit in a way which will have lasting impacts.

Minister, you're responsible for education and training. You're part of a government that surely has a responsibility to this generation of young people.

The Speaker: Could the leader place a question, please.

Mrs McLeod: What are you prepared to do for this generation of young people from 18 to 30 who are so desperately looking for job opportunity and for some support?

Hon Mr Cooke: The reality of the situation is that since February of this year 58,000 jobs have been created in this province. Those are the facts. There were 79,000 jobs created last year. The member knows this, yet she comes and spills out information that is totally incorrect.

Not that many months ago, the Leader of the Opposition said, in terms of budget expenditures, that the government should cut another \$4 billion worth of expenses. Now, how can we cut \$4 billion worth of expenditures and do more than \$180 million in terms of direct job creation for young people? Get your act together. Or are you going to continue to follow what the editorials are saying? I follow the last paragraph here: "If they are serious about the goal"—to get elected—"the Liberals have to spell out precisely the policies needed to get on with the job."

When are you going to spell out what you believe in? Are you just going to get up and talk about doom and gloom and then leave the Legislature and change your mind the next day?

INTERPROVINCIAL TRADE

Mr Michael D. Harris (Nipissing): My question is to the Premier. Premier, as you know, I've been very supportive of all efforts across Canada and of your personal efforts and of your Minister of Economic Development and Trade's efforts to reduce interprovincial trade barriers. I was the first to congratulate you and Premier Johnson last month, the first to shake both your hands at the signing ceremony.

Even though it was the same day I launched the Common Sense Revolution, I thought it was important to say to both of you, "Well done." That is why I am so concerned about recent reports on the lack of progress on an agreement to reduce barriers by Ottawa's June 30 deadline. More disturbing to me was a *Globe and Mail* article last week quoting a federal official as saying, "New Democratic governments in BC, Saskatchewan and Ontario [are among the] most resistant to change."

Premier, exactly what is Ontario's position on the draft

agreement to reduce interprovincial trade barriers? Is this federal official quoted in the *Globe and Mail* accurate on the reluctance of the NDP governments in BC, Saskatchewan and Ontario to the changes that are required to implement free trade among the provinces?

Hon Bob Rae (Premier and Minister of Intergovernmental Affairs): First of all, let me say that I remember well the honourable member's handshake, and I of course very much appreciated his support.

In answer specifically to your question, I'm going by recollection in terms of the *Globe* article and in terms of what some anonymous federal official may or may not have said. I can only tell you that from our perspective, if you look, for example, at the comments of Mr Van Houten of the Canadian Manufacturers' Association today in another newspaper, first of all, Mr Van Houten went out of his way at the end to stress that what he saw and the kinds of progress that he was hearing were being made were very positive and were constructive. I certainly share that view.

1410

Secondly, with respect to any comments by a federal official about Ontario, I can say to you categorically, that kind of comment is false. It has no foundation. It is not reflected at all in the positions that have been taken both privately and publicly by my colleague the Minister of Economic Development and Trade. She has been acting on the basis of clear cabinet instructions to push for a deal that will do as much as is humanly possible to lower interprovincial trade barriers. Ontario, as a province, has everything to gain from a more open Canada.

I would say there's been a remarkable consistency in the positions that have been taken by Ontario governments on this question over the last decade. I can well recall when Mr Grossman, who was the Minister of Industry in the 1980s, took a position on behalf of Ontario.

The Speaker (Hon David Warner): Would the Premier conclude his remarks, please.

Hon Mr Rae: I know my colleague from Wilson Heights took similar positions with respect to Ontario's historic position.

Ontario's historic position is, we don't like the barriers to trade. We are going in with as open a position as possible and we are very concerned to see that there are as few barriers as humanly possible. At the same time, I will say to the honourable member, we want to get an agreement and we do want there to be some human progress made. At the end of the day, we're all going to have to make a judgement call as to whether the progress that's being made is sufficient for us to justify signing.

The Speaker: Could the Premier please conclude his response.

Hon Mr Rae: My own view is, I remain optimistic that we will get there, but I want to repeat that any suggestion that Ontario is somehow—

The Speaker: The question's been answered. Would the Premier please take his seat.

Mr Harris: Premier, I think you know and you've articulated, as I have continued to push, that Ontario's

role in negotiations is key. While a succession of governments over the last 10 years has articulated this, you would also know that I've been very critical that former Progressive Conservative and Liberal governments have not elevated the importance of this issue and that they have avoided many, many occasions when it could have been brought to the forefront of first ministers' conferences and discussions, which is why I've been so very supportive of your government's initiatives in this regard.

Our role is key. Provinces, in case people have doubt about how important it is, trade almost as much within Canada as they do with the entire rest of the world. The total interprovincial trade for us, two thirds, is within Ontario and Quebec. I am concerned about the conflicting reports as to your minister's role in reaching an agreement, so let me be a little more specific.

It has been reported, for example, that Ontario has been refusing to allow small PEI potatoes into the province. It has also been reported that Ontario's position is insisting on an exemption for crown corporations such as Ontario Hydro.

I would ask you, Premier, could you lay to rest that we have put no conditions, that we are prepared for free and open trade, including Ontario Hydro's purchases and the agricultural concerns that are there, that if we can get a deal—

The Speaker: Could the leader complete his question, please.

Mr Harris: —we are prepared to have free and open trade on all of the goods and commodities and services? Could you belie definitively what has been reported there for us?

Hon Mr Rae: On both counts. I'm sorry the minister isn't here today, but she and I talked about that this morning in cabinet, on the assumption that someone might be asking a policy question with respect to something that's actually going on.

I would say directly to the honourable member that the statement about Hydro is categorically untrue. In fact, the position of our government has been that we want to have the procurement rules apply as broadly as possible.

I will say to the honourable member that the question of what happens when all the others put in their exemption as to what we do is a judgement call that we'll have to exercise. But the position that we're taking into the negotiations is that we want to have as broad an exemption as possible and it should include Ontario Hydro.

With respect to PEI potatoes, I've just turned to my colleague from the Ministry of Agriculture, Food and Rural Affairs, because you'll appreciate that my expertise is not always spread quite as far as I would like. My understanding is that this has to do with policies and rules of the federal government and certainly not with ours. We certainly have not expressed any such objection that I'm aware of, but again, the Minister of Agriculture would probably be able to give you a fuller answer on that.

Mr Harris: It is an important issue and it is a policy issue before us and one that you know we're very concerned about. I think it's important that people

understand that interprovincial trade barriers cost Ontario families, under the most conservative of estimates, about \$1,000 per year. Those are after-tax dollars, \$1,000 per year. That's every Ontario family. That's about the same impact as the social contract had on all public servants in the province, and we all know the consternation that caused. We're talking big bucks and we're talking a big deal to all Ontario consumers.

The Premier will know that in the Common Sense Revolution we have given our commitment in government to sign a bilateral trade deal with any province that is willing to do so, and that we ought to be tough with those who are not willing to do so.

Premier, I would ask you this: If, as it appears, an overall national agreement of a substantial nature cannot be reached by the June 30 deadline, or if some deal is reached that goes part way, will you commit the Ontario government to pursue bilateral deals with every other province in this country, as we have done with Quebec, and insist on those deals and fair trading practices on behalf of all consumers and of course on behalf of the businesses and the jobs it creates in Ontario? Will you agree to pursue that?

Hon Mr Rae: My experience in opposition is that it's a lot easier to negotiate in front of a mirror than it is to negotiate with a lot of other provinces. I would say to the honourable member that we are striving for an agreement and we are searching for one. We believe that an agreement is possible.

Let me say to the honourable member, in terms of the issue of bilateral agreements, I hope first of all he's not suggesting that we dismantle supply management, because I've heard some suggestion to that effect. But let me say, look at what we've done: We've signed a bilateral agreement with Quebec, we've signed a bilateral agreement with British Columbia on the subject of wines, spirits and ciders and we've moved ahead on a number of other areas where unilaterally we've reduced any restrictive practices.

I would say to the honourable member that we are going into these negotiations in the last two or three weeks with the full hope and expectation that they will be successful, but I don't see any agreement as precluding our ability on a bilateral basis to go further. We've already demonstrated that with respect to Quebec.

Let me underline one point you made. Interprovincial trade is worth \$146 billion to this province. If we succeed in reducing trade barriers, which I believe the energetic work of the Minister of Economic Development and Trade is going to be a very positive contribution to, it will add substantially to jobs in Ontario.

The Speaker: Could the Premier conclude his reply, please.

Hon Mr Rae: It will add to our potential for growth in Ontario, and I'm delighted to have the support so far of the leader of the Conservative Party.

The Speaker: New question.

Mr Harris: I just wonder, when you have those debates with the mirror, who wins them.

Hon Mr Rae: No, no, not me.

HEALTH INSURANCE

Mr Michael D. Harris (Nipissing): I have another substantive policy question on a policy issue that is before Ontario right today, and it's to the Minister of Finance. Minister, yesterday outside of this House you indicated to reporters that if it was up to you, you might consider delaying your government's ill-conceived and illegal decision to reduce out-of-country health care for Ontario seniors.

I would ask you, Minister of Finance, since acting illegally will affect the finances of the province of Ontario, have you spoken with the Minister of Health about this? Are you today willing to stand up in this Legislature and tell Ontario seniors that the government of Ontario will not illegally reduce their health care coverage on June 30?

Hon Floyd Laughren (Minister of Finance): I appreciate the question because it allows me to clarify some of the observations that have been made on my comments.

The message I was attempting to convey yesterday was that in my view the whole question of out-of-province coverage was something that the Health ministers were working on, and that the Minister of Health was actively engaged in this matter with her other provincial colleagues and the federal Minister of Health. That's my understanding of how the process is working.

Any question about how appropriate it was was completely in the context of the Canada Health Act. So at no point did I indicate that I was prepared to alter the existing policy.

1420

Mr Harris: You're the person who holds the province's purse-strings, and I would feel they're not drawn very tight. They're pretty leaky purse-strings.

Treasurer, you should be concerned about what I believe is not only a very real possibility but the fact that the federal government should, and in fact it is their duty to and they must, withhold money equivalent to the amount of extra billing on those seeking out-of-country medical attention, because your policy is contrary to the Canada Health Act. I understand the federal Health minister has already put you on alert.

I have written to the federal Minister of Health expressing concerns that we've not had a public statement from her and her lawyers—it seems to us to be pretty straightforward—and asking her to take a position on your plan.

Given that you have a fiscal stake and the taxpayers of Ontario have a fiscal stake in very real financial penalties from the federal government for violating the Canada Health Act, I would ask you: Have you personally, or has the Minister of Health, contacted the federal government to seek a definitive ruling from them on whether your actions are illegal or not?

Hon Mr Laughren: The leader of the third party would understand, I'm sure, that Ontario is not the only province that's attempting to rein in the growth in health care costs. Alberta has a differential rate. British Columbia has a differential rate. As a matter of fact, the Conservative Party in this province, if it was to achieve power,

would indeed impose a health care levy, a tax on health care.

What we're saying is we want to rein in the growing cost of health care in this province on money spent outside the province so we can put that money to good use serving the citizens of this province in Ontario.

Mr Harris: I'm pleased with the Minister of Finance's reference to the Common Sense Revolution, where we checked with the Canada Health Act and with lawyers to make sure that the fair share care health levy based upon income of \$50,000 a year or more is not counter to and against the law of the Canada Health Act. Yes, that is what we want to do. We want to legally raise the funds to support the health care system.

Let me tell you that I am very disappointed to hear the Minister of Finance say that because other provinces are breaking the law, it's okay for you to break the law too.

Hon Mr Laughren: No.

Mr Harris: That's what I clearly heard you say.

Treasurer, the Canada Health Act is very straightforward and very clear. I would like to quote for you section 11(1)(b)(ii), and here's the quote: "Where the insured health services are provided out of Canada, payment is made on the basis of the amount that would have been paid by the province for similar services rendered" in that province.

I'm not a lawyer, but when I read that, what you're doing is illegal and it is against the Canada Health Act. Clearly I think that's the interpretation.

Can you explain to me why you are putting senior citizens through all this turmoil—

Mr Steven W. Mahoney (Mississauga West): Did you learn this at golf school?

Mr Harris: I'm sorry the Liberals don't care about senior citizens and that they don't care about this issue.

The Speaker (Hon David Warner): Could the member place his question, please.

Mr Harris: I'm sorry about that, and if it offends the Liberals—they have to scream and yell—that I'm fighting for seniors, I think that's most unfortunate.

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: The leader of the third party just said that the Liberals don't care about seniors, and of course the Liberal critic asked this question about five or six weeks ago, so it's very unfair.

The Speaker: The member does not have a point of order. I would ask the leader if he would please place a question.

Mr Harris: Given that the Liberal Minister of Health in Ottawa has been strangely silent on this issue over the last five weeks, can you explain to me this: Why is it you're causing all this turmoil with seniors and you are forcing them with their own money to seek legal counsel to get a legal opinion on what should be pretty straightforward? Will you do what you should have done in the first place: get your own legal opinion; ask the federal Minister of Health for their legal opinion, instead of forcing seniors to go to the courts to stop you from doing something that's illegal?

Hon Mr Laughren: First of all, the leader of the third party would understand that this is not a policy that affects only seniors. It affects out-of-province costs for anyone. I wanted to make that clear. I don't expect that to make you happy, but simply to clarify that issue.

Secondly, it seems to me that whatever way in which the health care act is interpreted—

Interjection.

The Speaker: Order. The member for Parry Sound.

Hon Mr Laughren: —and I agree with you that the federal minister has been somewhat silent on this issue.

Interjections.

The Speaker: Minister?

Hon Mr Laughren: I was trying to clarify the question of the other provinces. It seems to me that because it's a Canada Health Act, we should all be playing by the same rules, and if I recall correctly, the Minister of Health did indicate that if there is a problem with that, certainly the province of Ontario will comply. But all of the provinces—

Mrs Barbara Sullivan (Halton Centre): Why did you take a leaf from Alberta and not from—

The Speaker: The member for Halton Centre, please come to order.

Hon Mr Laughren: —should be playing according to the same rules on the whole issue of health care. We have no problem with accepting whatever interpretation is appropriate in terms of keeping with the conditions of the Canada Health Act.

But I wish the leader of the third party would build into his questions—it would make it a lot easier for me to respond—his assertion once again from the Common Sense Revolution that he would raise taxes in order to pay for the health care system he envisions in the province of Ontario.

HOSPITAL FINANCING

Mr Hugh O'Neil (Quinte): My question today is for the Minister of Health. Minister, as you are aware, close to 500 people have travelled to Queen's Park today from the Trenton area to voice their concerns about the future of the Trenton Memorial Hospital. I am sending over to you letters and petitions signed by approximately 17,000 people expressing those concerns.

Minister, will you today give us your commitment that you will ensure a sufficient critical mass at the Trenton Memorial Hospital to guarantee that the hospital will remain viable and provide high-quality, appropriate and needed health services to the people of the Trenton area and that the capital funds committed to the restructuring and renovation of the hospital are still available?

Hon Ruth Grier (Minister of Health): I'm glad to be able to respond on the floor of the House to the member's questions. Let me say to the people who are here from his constituency, he has certainly expressed to me even before today his concerns about the work that was going on in that particular region.

I certainly understand the concern people have about changes in health care, but changes are happening, and let me say to him that the concern that is now being felt in

his community we know is generated by the work the district health council is doing and the analysis it has undertaken of health care.

I want to say to him and to his constituents very clearly that no final decisions have been taken about health care and the system and the institutions and the hospitals in that region, and it is entirely appropriate that no final decisions have been taken, because the responsibility for doing that planning lies with the district health council. Obviously the ministry works closely with the district health council, and I hope people who are concerned by the report that is now in the public will study it carefully and participate in the discussions, and that will enable the district health council to make appropriate recommendations to me dealing with the specific issues and the specific points that the member has raised.

Mr O'Neil: Thank you very much, Minister, and I appreciate you setting up a meeting this afternoon at 3 o'clock with the people from the Trenton area.

I guess one of the main concerns has been that this thing has been hanging around for the last two or three years: consultants looking at it, going back and forth, all sorts of hearings. We are hoping that after our meeting of this afternoon you can give the people from the Trenton area some assurance that the Trenton Memorial Hospital will remain a viable hospital. Those discussions are ongoing with the district health council, and hopefully we can arrive at something that will make everyone happy.

1430

I guess what I'm asking you is that this thing has to be brought to a head so that a decision is finally made, so that the people in that area know what's going on. Our problem is like one of the headlines in the Trentonian newspaper which reads, "Four Doctors Leaving Area Hospital," the hospital in the area.

What we're finding is that the doctors, knowing of the uncertainty in this area, are picking up and going to the States. The sooner we get this thing settled, as to a decision being made by the district health council and yourself, it will put some of these fears aside so that we can get on with the building and the repair of this particular hospital. I'd ask you for your comments on that particular side of it.

Hon Mrs Grier: I certainly can understand the effect that uncertainty and the length of time the planning process takes has on communities, and I share that worry. At the same time, let me remind the member that the kind of direction that was initiated by his government, the member for Oriole when she was Minister of Health, in giving district health councils the responsibility to do local planning is something that serves us well in this province.

I was delighted to hear Dennis Timbrell, the president of the Ontario Hospital Association, commend Ontario for being one of the few provinces that has the confidence in a local planning process and doesn't have a cookie cutter at Queen's Park that says what's right for Trenton hospital is necessarily the same as what's right for downtown Toronto or northwestern Ontario.

That kind of local planning process is very important,

leads us to better decisions in the long run, and I am certainly supportive of that. At the same time, I look forward to the meeting with his constituents and with talking to them about how we can together make sure that we get to the wisest decisions in the shortest possible time.

INTERPROVINCIAL TRADE

Mr David Turnbull (York Mills): My question is to the Minister of Finance and Deputy Premier.

It's okay, Gilles. You can settle down now with your briefing book.

Last fall you granted a loan to Ontario Bus Industries of \$19 million, and as you know, you own the company now. It turned over the keys to you earlier this year.

We learn from the press today that Nova Bus, which is a subsidized Quebec company, is negotiating to buy this Ontario bus builder. Can you assure us, first of all, Minister, that the taxpayers of Ontario will get back all of the \$19 million and that the jobs will be retained in Ontario?

Hon Floyd Laughren (Deputy Premier and Minister of Finance): I'm aware of the issue surrounding Ontario Bus Industries and the fact that we own it. You and I own it. The people of Ontario own Ontario Bus Industries.

As a matter of fact, your question is almost timely, because I'm going to be talking to some folks this afternoon about issues swirling about Ontario Bus Industries. But I can assure you that we will do whatever we can, while keeping our options open, to protect the interests of the Ontario taxpayer.

Mr Turnbull: That was quite a waffle. My question was, are we going to get our money back? At the time this \$19-million loan was granted, it was to retain jobs in Ontario. You will recall that in fact the reason that Ontario Bus Industries couldn't sell into Quebec was because Nova was being supported by the Quebec government and it wasn't allowing any buses to be sold into Quebec. Now we have the spectre of them looking at buying our business, when your government put out taxpayers' money to ensure that those jobs remained.

I'm asking you very simply, will the jobs be retained and will the money be retained? Will we get the \$19 million back? In addition, will there be no guarantees given that Ontario municipalities will have to buy buses from Quebec?

Hon Mr Laughren: The latter part of your question makes me very nervous, and I'm not quite sure what you're getting at. Are you saying that Ontario should not—

Mr Chris Stockwell (Etobicoke West): Free trade.

Hon Mr Laughren: Wait a minute. Are you saying that Ontario, under a regime of no trade barriers among provinces, should not be buying buses from the province of Quebec?

Mr Turnbull: That is not what I said. I said, "No guarantees" against what you said.

Hon Mr Laughren: If that's what you're saying, stand on your feet and say so. Don't disguise—

Mr Turnbull: I'm not disguising anything, and you can hear me, Floyd.

Hon Mr Laughren: —setting up trade barriers with some kind of nonsense surrounding Ontario bus industries.

Mr Turnbull: I said, "No guarantees."

The Speaker (Hon David Warner): Order. The member for York Mills, please come to order.

Hon Mr Laughren: That's exactly what you're doing. I would caution the member opposite, at a time when we're all working very hard to reduce trade barriers among provinces, that he not stand in his place in this assembly and set up new barriers because it might happen to be with the province of Quebec.

Mr Turnbull: No, that is not what I am saying.

Hon Mr Laughren: That's exactly what the member opposite is doing.

The Speaker: New question. The honourable member for York East.

Mr Stockwell: It's called free trade.

The Speaker: Order.

Mr Turnbull: We're free traders.

The Speaker: The member for York Mills, please come to order.

Mr Turnbull: When he says—

The Speaker: I caution the member. If he refuses to come to order, he will be named.

New question. The member for York East.

Mr Gary Malkowski (York East): Shame on the Conservatives and the MPPs behaving like that, costing taxpayers money as the clock ticks away.

The Speaker: Would the member please place a question.

ELEVATORS

Mr Gary Malkowski (York East): My question is to the Minister of Consumer and Commercial Relations. I recently attended a tenants' forum—

Interjections.

The Speaker (Hon David Warner): Order. Will the member take his seat.

Interjections.

The Speaker: The member for York East, please place a question.

Mr Malkowski: I'll try this again. Once again, we see the taxpayers' money being wasted.

To the Minister of Consumer and Commercial Relations, I recently attended a tenants' forum in East York. One of the concerns raised was about the high number of elevator breakdowns in some of the older buildings. In particular, tenants from 225 and 227 Cosburn Avenue informed me that one of their elevators would be out of service for several weeks.

This seems awfully long to me, and I am therefore concerned about my constituents, especially those who are elderly and disabled, who will be inconvenienced by this. Is there anything, Madam Minister, that your ministry might be able to do to ensure this elevator would

be repaired and made safe for my constituents as soon as possible?

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): To the member for York East—

Interjections.

The Speaker: Order. Minister.

Hon Ms Churley: Mr Speaker—

Interjections.

The Speaker: The member for Parkdale, please come to order.

Hon Ms Churley: I think that any mention of the word “elevator” tends to make people go up and down a lot. I was afraid of that. However, this is a serious question, and I would like to try to answer it.

I am aware of the situation that the member talked about, and it is unfortunate. This elevator is over 30 years old. It is the responsibility of my ministry to inspect and, if there is a safety problem, to shut the elevator down and make sure that the building owner then does the maintenance and the repairs, which is what is happening. But because this elevator is so old, they have to get some new design and even manufacture some parts.

We’ve been informed that it will be up and running again by mid- to late July. We will keep monitoring the situation. But it is up to the building owner at this point to make sure that the maintenance is done on time. Safety is our concern and, although I regret the inconvenience caused to people, it is really important that elevators are safe for his constituents.

1440

Mr Malkowski: The minister knows that elevator safety is truly of concern to all the members of this House, especially the member for Etobicoke West. Therefore I would also like to ask the minister, what is being done to address elevator safety in all of the province of Ontario?

Interjection.

Hon Ms Churley: Somebody over there said, “Nothing.” Not true. They did nothing. This government, my ministry in fact—

The Speaker: Order.

Hon Ms Churley: I know that was provocative, Mr Speaker, but they are provocative today, you have to admit.

In fact, because we’re concerned about the safety of elevators not only in the member’s riding but in all members’ ridings, we have recently hired 11 new inspectors.

We also have implemented an automated inspection system, which means that for the first time, the resources can be wisely used so that the ministry can focus on the kind of old elevator that the member asked me about and make sure that the elevators that perhaps most need to be inspected—and therefore this kind of thing shouldn’t be happening. Elevators, after 30 years, should not have to be shut down. The maintenance should be continued over a period of time. We will now make sure that happens.

HOSPITAL SERVICES

Mr James J. Bradley (St Catharines): This question is to the Minister of Health. On Monday of this week the medical and non-medical staff, the volunteers, the members of the union, patients, families of patients and the general public were shocked to learn of a report which called on the following for Hotel Dieu Hospital in St Catharines: the elimination of 300 jobs from Hotel Dieu; the closing of the Dieu’s emergency department; a cut of another \$10 million from Hotel Dieu’s \$50-million annual budget; the closing of 60 Hotel Dieu inpatient beds; slashing the Dieu’s 11-bed intensive care unit in half, cutting in half the 40 to 50 nurses and other staff in that area; and cutting \$100,000 from the St Catharines General’s budget.

You can imagine that the people of St Catharines and all of us who represent St Catharines were quite perturbed to see this particular report come out. Would the minister assure the House that she will not be accepting the recommendations of this particular report, which would in effect substantially affect the ability of Hotel Dieu Hospital to provide appropriate medical services to the people of St Catharines?

Hon Ruth Grier (Minister of Health): I’m glad to have the opportunity to comment on the report that the member for St Catharines raises. Certainly my colleagues the members for Niagara Falls and for St Catharines-Brock have also discussed it with me.

I happened to be in Niagara-on-the-Lake the day that the report was, as I understand it, leaked, not released, to the press, and so had an opportunity to hear directly from representatives of Hotel Dieu about their concern. I have to say to the member that it is a report that was data collection and the examination of options dealing with the provision of emergency services to the people of St Catharines with a view to making sure that we have the best possible service.

As I said in response to the earlier question from the member for Quinte, in this province the district health councils have assumed the very difficult responsibility of doing health care planning, because what may be right for Quinte may not be right for St Catharines and for the Niagara region. So it is very important to have that local input.

At the same time I must say to the member that it is very difficult for the district health councils to make the most appropriate recommendations to me if every time there is a baseline report on data or a consultant’s recommendation, it provokes a storm of opposition to the recommendations before those recommendations have been considered—

The Speaker (Hon David Warner): Could the minister conclude her response, please.

Hon Mrs Grier: —or before there has been adequate consultation on them. I know the honourable member would not want to feed into that kind of concern, so I appreciate the opportunity to respond on the floor of the House.

Mr Bradley: The minister may not be aware that the Hotel Dieu Hospital and the St Catharines General

Hospital, the Shaver Hospital and other medical institutions in the St Catharines area have already participated of their own volition in a rationalization program which has ensured that duplication of service has been eliminated.

It has done this without pressure from the ministry, it has done it without direction from any consultants, and the results have generally been positive though difficult, because there have been some jobs eliminated and there has been some streamlining that has taken place, some reductions in potential funding.

What I'm asking the minister is that in view of the fact that this rationalization has already taken place in St Catharines, would the minister assure us that now St Catharines won't be used, as it was described to me, as a guinea pig for the rest of the province in terms of slashing services at a major hospital in our community?

Hon Mrs Grier: Let me assure him that the ministry is not singling out any area or any hospital to be used as a guinea pig. As I keep saying, district health councils are doing planning unique to their particular districts. But I'm well aware of the work that the hospitals in St Catharines have done and very impressed by their voluntary cooperation in a rationalization of services.

I have to say to the member that when services are rationalized on a functional basis and when, for example, one hospital perhaps has all of the trauma unit care, has the cardiac care, has the neonatal care, then it behooves those institutions to also look at emergency service because it may well be that if, for example, one hospital has now got the primary responsibility and therefore the expertise and the staff on one particular kind of care, then it is very important that in emergencies people be directed to the appropriate hospital that can deliver the kind of care depending on the accident, the trauma or the emergency that exists.

The Speaker: Could the minister conclude her response, please.

Hon Mrs Grier: It is essential that as we rationalize functions between hospitals, we then look at not only the emergency services within hospitals but the network of support systems that exists and the community-based services that support all of those functions. You can't look at just one piece of the system without looking at the whole spectrum.

I'm very pleased to have the opportunity, and as I said in response to the first—

The Speaker: The question has been answered.

EDUCATION FINANCING

Mrs Dianne Cunningham (London North): I have a question for the Minister of Education and Training. This will give the minister a wonderful opportunity to speak to Bill 160; that's what the question's about. This legislation will amend the Education Act and five other statutes to change the method of apportionment over a three-year, phase-in period beginning in 1996.

In 1989, Bill 64 was passed into law; Bill 64 was handled by the Minister of Education. Now we have Bill 160, which is handled by the Minister of Finance, and yet we're talking about education issues. We were told all of

the education finance policies would come in the form of the Fair Tax Commission's report and the white paper that you promised last September. We still don't have it.

Secondly, there are a lot of issues in this bill, the issues being that there's insufficient information for public school boards to assess the impact, that the definition of a "pupil" for funding is unclear, and the list goes on and on. I have a question with an "and" in the middle of it.

We would like you, if you would, Mr Minister, so that we can have public input, because we haven't had an opportunity, to take the section—and it's actually section 3—of Bill 160 that affects the education community out of the bill and introduce it as a separate piece of legislation. That would be our first choice.

The Speaker (Hon David Warner): Would the member complete her question, please.

Mrs Cunningham: Our second choice would be this: Will you take the education section out of the bill and have it sent to a committee where the public, the education community, deserves to have input? Two parts: take your pick.

Hon David S. Cooke (Minister of Education and Training): There's no particular conspiracy to put this in another ministry. The fact is that this was announced in the budget, so it's part of a budget bill. It will remain part of a budget bill. This issue has been debated for many, many years. This is a very measured step towards equity in funding of our education system. It builds on the initiative of the previous government, which built on the initiative of the previous government before that. There has been lots of public discussion and I think that public discussion is reflected in the legislation.

1450

VISITOR

The Speaker (Hon David Warner): I invite all members to join me in welcoming to our chamber this afternoon and seated in the Speaker's gallery, the Honourable Horace Clarke, Minister of Water and Transportation, from the Parliament of Jamaica. Welcome.

QUESTION PERIOD

Mr Gilles Bisson (Cochrane South): On a point of order, Mr Speaker: There have been a couple of occasions in the last couple of weeks when the lead questions when it comes to question period have been quite lengthy, and some of the answers, I would say, to be fair to both sides of the House. Unfortunately, it means a number of members don't have the opportunity to pose questions that are important to our constituents in this question period.

I would ask that you urge the leaders of the opposition and other members as well as people on this side of the House to make the answers to their question a little bit more succinct in order to allow other members to ask questions.

The Speaker (Hon David Warner): I could not agree more with the honourable member for Cochrane South. When the questions are unduly long and the replies are unduly long, then of course the 60 minutes goes by with very few members, particularly backbench members,

having an opportunity to ask questions. All I can do is to continue to urge all members to keep the questions as short as possible and the replies as short as possible.

MEMBER FOR KITCHENER

Mr Norman W. Sterling (Carleton): Mr Speaker, I have a serious point of privilege that I would like to raise with you: As you know, one of the members of this Legislature one or two days ago was acquitted before a criminal court in another part of this province.

I've been very, very much concerned about the trial of a member of this Legislature and I was more concerned as I read reports of the trial and the lack of evidence against this particular member. It struck me and it struck a number of other members of this Legislature whom I have privately conversed with over this particular matter that we are concerned that perhaps this member has been unfairly treated by our justice system; at least, that is my concern.

Under section 46 of the Legislative Assembly Act, this Legislative Assembly has all the powers of the court to inquire into matters where a member may have been intimidated by either the public or by some institution or the media or by anyone. This member and his family have gone through a tremendous amount of pain and suffering and no doubt he has suffered as a result of the notoriety associated with the charges etc.

Mr Speaker, I would ask you to do two things for me, or perhaps for all members of this Legislature, as a point of privilege as properly raised under that guise. Number one, I would ask you to confer with that member whether or not he would like you to undertake a private inquiry of some sort, first. If in fact he would desire an inquiry, I would fully support that kind of activity under some guise and form as per your directions.

I do not believe that this is a matter to be treated lightly. I believe that Will Ferguson has been badly treated by our system and that his reputation as a politician and as an individual has been for ever slandered in terms of the public and that he has been treated unfairly.

The Speaker (Hon David Warner): To the honourable member for Carleton, I take the matter which he raises most seriously. I'm not exactly sure what help I can be to him or to the House or to the member for Kitchener, but I will indeed endeavour to meet with the member for Kitchener and to discuss the matters which the member for Carleton has brought to my attention. I will deal with the matter as quickly as possible and we'll do whatever is appropriate under the circumstances.

PETITIONS

KETTLE ISLAND BRIDGE

Mr Gilles E. Morin (Carleton East): I have a petition addressed to the Parliament of Ontario that has been sent to me by my constituents from Manor Park in the region of Ottawa. It reads as follows:

"Whereas the government of Ontario has representation on the Joint Administrative Committee on Planning and Transportation for the National Capital Region; and

"Whereas JACPAT has received a consultants' report recommending a new bridge across the Ottawa River at Kettle Island, which would link up to Highway 417, a

provincial highway; and

"Whereas the city and regional councils of Ottawa, representing the wishes of citizens in the Ottawa region, have passed motions rejecting any new bridge within the city of Ottawa because such a bridge and its access roads would provide no benefits to Ottawa but would instead destroy existing neighbourhoods;

"We, the undersigned, petition the Parliament of Ontario as follows:

"To reject the designation of a new bridge corridor at Kettle Island or at any other location within the city of Ottawa core."

I will affix my signature.

HAEMODIALYSIS

Mr Jim Wilson (Simcoe West): I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas several patients from the Collingwood area are forced to travel great distances under treacherous road conditions to receive necessary haemodialysis treatments;

"Whereas the government has done nothing to discourage a patchwork dialysis treatment system whereby some patients receive haemodialysis in-home and others travel long distances for treatment;

"Whereas there are currently two dialysis machines serving only two people in the Collingwood area;

"Whereas the government continues to insist they are studying the problem, even though they have known about it for two years; and

"Whereas the Legislature passed Simcoe West MPP Jim Wilson's private member's resolution which called for the establishment of dialysis satellites in Alliston and Collingwood;

"We demand the government establish a dialysis satellite immediately in the town of Collingwood."

I have affixed my name to this petition.

TOBACCO PACKAGING

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): I have two identical petitions before me today. One was sent to myself, the other to the Honourable Elmer Buchanan, and they're both from the Council for a Tobacco-Free Hastings and Prince Edward. This petition to the Legislative Assembly of Ontario says:

"Whereas more than 13,000 Ontarians die each year from tobacco use; and

"Whereas Bill 119, Ontario's tobacco strategy legislation, is currently being considered by the Legislative Assembly of Ontario; and

"Whereas Bill 119 contains the provision that the government of Ontario reserves the right to regulate the labelling, colouring, lettering, script, size of writing or markings and other decorative elements of cigarette packaging; and

"Whereas independent studies have proven that tobacco packaging is a contributing factor leading to the use of tobacco products by young people; and

"Whereas the government of Ontario has expressed its desire to work multilaterally with the federal government and the other provinces, rather than act on its own, to

implement plain packaging of tobacco products; and

"Whereas the existing free flow of goods across interprovincial boundaries makes a national plain packaging strategy the most efficient method of protecting the Canadian public;

"Therefore, we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

MENTAL HEALTH SERVICES

Mr Tony Ruprecht (Parkdale): I have a petition to the Legislative Assembly of Ontario which reads:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas the NDP"—that is, the New Democratic Party—"government is hell-bent on establishing a 20-bed forensic facility for the criminally insane at the Queen Street Mental Health Centre; and

"Whereas the nearby community is already home to the highest number of ex-psychiatric patients and social service organizations in hundreds of licensed and unlicensed rooming-houses, groups homes and crisis care facilities in all of Canada; and

"Whereas there are other neighbourhoods where the criminally insane could be assessed and treated; and

"Whereas no one was consulted—not the local residents; not the business community; not leaders of community organizations; not education and child care providers; not even the NDP member of provincial Parliament for Fort York;

"We, the undersigned residents and business owners of our community, urge the NDP government of Ontario to immediately stop all plans to accommodate the criminally insane in an expanded Queen Street Mental Health Centre until a public consultation process is completed."

I affix my signature on the bottom of this petition.

1500

SEXUAL ORIENTATION

Mr Ted Arnott (Wellington): I have a petition to the Legislative Assembly of Ontario. It reads as follows:

"Whereas traditional family values that recognize marriage as a union between a man and a woman are under attack by Liberal MPP Tim Murphy in his private member's Bill 45; and

"Whereas this bill would recognize same-sex couples and extend to them all the same rights as heterosexual couples; and

"Whereas the bill was carried with the support of an NDP and Liberal majority but with no PC support in the second reading debate on June 24, 1993; and

"Whereas this bill is currently with the legislative committee on administration of justice and is being readied for quick passage in the Legislature; and

"Whereas this bill has not been fully examined for financial and societal implications;

"We, the undersigned, petition the Legislative Assem-

bly of Ontario to stop this bill and future bills which would grant same-sex couples the right to marry and to consider its impact on families in Ontario."

I support this petition and I've signed it as well.

EMERGENCY SERVICES

Mrs Irene Mathysen (Middlesex): I have a petition obtained as a result of a public meeting in January in Newbury, which I attended, addressed to the Legislative Assembly, from Middlesex constituents who utilize the emergency services at Four Counties General Hospital in Newbury.

About 16,000 people are dependent upon the services of Four Counties General Hospital. They petition the Legislative Assembly to call upon the Ministry of Health and the Ontario Medical Association to resolve the issue of 24-hour emergency medical coverage in the rural emergency departments across the province of Ontario to ensure that our rural residents have the adequate emergency care to which they are entitled.

I have signed my name to this petition.

HEALTH INSURANCE

Mrs Barbara Sullivan (Halton Centre): I have a petition to the Legislative Assembly of Ontario from hundreds of people from the Hawkesbury-Vankleek Hill area, from the Durham area, from the Halton area, from Oshawa and from Pickering. The petition reads as follows:

"Whereas the Ontario government has announced its intention to reduce emergency coverage for out-of-country health care on June 30, 1994;

"Whereas the citizens of Ontario are entitled to health coverage no matter where they are with payment made on the basis of the amount that would be paid for a similar service in the province;

"Whereas the Canada Health Act entitles all Canadians to health care on an equal basis;

"Whereas this decision made by the Minister of Health is in direct contravention of the Canada Health Act;

"We, the undersigned, petition the Legislature of Ontario to ensure the Minister of Health follows the provisions of the Canada Health Act and prevent further erosion of our health care system in Ontario."

I heartily concur with this petition and affix my signature to it.

PROGRESSIVE CONSERVATIVE PARTY PLAN

Mr Gary Carr (Oakville South): I have a petition signed by hundreds of constituents to the Legislative Assembly of Ontario.

"Whereas we are convinced that a 30% cut in personal income taxes, a 20% cut in non-priority government spending and a balanced budget in four years will help create thousands of jobs in Ontario; and

"Whereas the government isn't working and we need a major change in Ontario;

"We, the undersigned, petition the Legislature of Ontario to support Mike Harris in his plan for a return to commonsense government."

I have affixed my signature to that as well.

TOBACCO PACKAGING

Mr Ron Hansen (Lincoln): I have a petition to the Legislative Assembly of Ontario in support of plain packaging of tobacco products. These are supporters of Bill 119.

"Therefore we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

I affix my signature to it. I'm presenting it on behalf of Brad Ward of Brantford.

MINING INDUSTRY

Mr Michael A. Brown (Algoma-Manitoulin): I have a petition:

"Companies in Elliot Lake depend on Canada's ability to sustain a strong and vibrant mining industry. Our people provide products and services to the mining sector across Canada.

"We are concerned about the alarming departure of mining investment to other countries and we support the 'Keep Mining in Canada' campaign sponsored by the Mining Association of Canada.

"We join with other industry members in supporting federal action on the mine reclamation taxation issue, because this is the most immediate way the government can demonstrate that Canada is a welcoming place for mining investment."

This petition is signed by many residents of the city of Elliot Lake.

SCHOOL CURRICULUM

Mrs Dianne Cunningham (London North): I have a petition to the Ontario Ministry of Education:

"We demand that the Ministry of Education immediately prohibit any instruction in a school system that offends against the Criminal Code or conflicts with the personal values and beliefs of most of the people, including teaching of homosexuality, any homosexual counselling, any homosexual telephone hotline service in the schools, and the distribution by any person of so-called age education flyers which promote buggery, anal intercourse; because

"The Criminal Code of Canada, section 159.154, states that: 'Engaging in buggery under the age of 18 years is punishable by up to 10 years imprisonment'; and

"The Education Act guarantees the right to withdraw from instruction that which is in conflict with a religious belief held by a student, guardian or parent, and the ministry has affirmed by amendments to regulation 262—now 298—of the Education Act that those students who withdraw from such instruction are embarrassed, isolated and stigmatized. This is happening to our children now; and

"The school system is aiding and abetting illegal sexual activities among children. Homosexuality is being taught and condoned in schools by way of lesbian and gay liaison groups and sexual orientation instruction. So-called AIDS education instruction flyers, produced by

boards of health and AIDS education agencies, which promote buggery, oral sex, sex between men and boys, sado-masochism, are being distributed to the students in Ontario."

This petition is signed by over 100 individuals from London, from Middlesex county and other parts of Ontario, and I will sign it and enter it into the public record.

Also, Mr Speaker, I just wanted to tell you that on June 13, I introduced a petition on Bill 119, which was in support of plain packaging of tobacco products and I forgot to say that it was the Middlesex-London Health Unit. I just wanted to add it to the record.

TOBACCO PACKAGING

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): I have a petition sent to me by Robert Goodfellow, health promoter with the Kingston, Frontenac and Lennox and Addington Health Unit, and it is a petition signed by many of my constituents. The petition is to the Legislative Assembly of Ontario in support of plain packaging of tobacco products. He asked that I read the petition in its entirety into the Hansard, so therefore I will:

"Whereas more than 13,000 Ontarians die each year from tobacco use; and

"Whereas Bill 119, Ontario's tobacco strategy legislation, is currently being considered by the Legislative Assembly of Ontario; and

"Whereas Bill 119 contains the provision that the government of Ontario reserves the right to regulate the labelling, colouring, lettering, script, size of writing or markings and other decorative elements of cigarette packaging; and

"Whereas independent studies have proven that tobacco packaging is a contributing factor leading to the use of tobacco products by young people; and

"Whereas the government of Ontario has expressed its desire to work multilaterally with the federal government and the other provinces, rather than act on its own, to implement plain packaging of tobacco products; and

"Whereas the existing free flow of goods across interprovincial boundaries makes a national plain packaging strategy the most effective method of protecting the Canadian public;

"Therefore we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

I, too, am going to sign this petition.

HOSPITAL SERVICES

Mr Michael A. Brown (Algoma-Manitoulin): I have another petition to the Legislative Assembly of Ontario:

"Whereas the city of Elliot Lake is a service centre for a number of North Shore communities and the Ministry of Health has decided to cut hospital funding in that city; and

"Whereas the city of Elliot Lake has been forced to

diversify its economy following the cancelling of uranium contracts by Ontario Hydro; and

"Whereas those diversification efforts include the successful marketing of a residential retirement program and the subsequent influx of several thousand retirees, all of whom will require inpatient and outpatient care at one time or another; and

"Whereas St Joseph's General Hospital, which has already made every conceivable effort to restructure in the face of social contract cuts, is now forced to close 31 inpatient beds;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To seriously re-examine the ministry's funding cut formula for flaws and reconsider Elliot Lake's position, bearing in mind the changing demographics in the community and the reliance of North Shore communities on health care services offered by the Elliot Lake hospital."

This petition is signed by numerous of my constituents in Spanish, Massey, the Sagamok First Nation and the Serpent River First Nation.

The Speaker (Hon David Warner): The time allotted for the presentation of petitions has expired.

VISITORS

The Speaker (Hon David Warner): Before continuing with our routine proceedings, I invite all members to join me in welcoming to our chamber this afternoon, and seated in the Speaker's gallery, a visiting delegation headed by the Honourable Ron Knowles, Minister of Housing and Minister for the Aged of the Parliament of Victoria, Australia. Welcome to our chamber.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr Michael A. Brown (Algoma-Manitoulin): I beg leave to present a report from the standing committee on general government and move its adoption.

Mr Joseph Cordiano (Lawrence): On a point of order, Mr Speaker: Given the lack of comprehensive hearings on this matter and in the interests of preserving the viability of the unique community—

The Speaker (Hon David Warner): No. The member does not have a point of order, and the member will know that he doesn't have a point of order.

Senior Clerk Assistant and Clerk of Journals (Mr Alex McFedries): Mr Brown from the standing committee on general government presented the committee's report and moved its adoption.

The committee begs to report the following bill, as amended:

Bill 21, An Act to amend certain Acts with respect to Land Leases / Loi modifiant certaines lois en ce qui concerne les terrains à bail.

The Speaker: Shall the report be received and adopted? Agreed?

Interjections: No.

The Speaker: All those in favour will please say

"aye."

All opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members; a 30-minute bell.

The division bells rang from 1512 to 1517.

Hon Brian A. Charlton (Government House Leader): Mr Speaker, at the commencement of this proceeding, there appeared to have been a misunderstanding. There has been an agreement that we should just go with a voice vote and refer this matter to committee of the whole House and that this would be satisfactory.

The Speaker: We require unanimous consent. Agreed? Agreed. Bill 21 is referred to the committee of the whole House.

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Ms Haeck from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bills, as amended:

Bill Pr43, An Act respecting the City of Toronto

Bill Pr119, An Act respecting the Town of Orangeville.

The Speaker (Hon David Warner): Shall the report be received and adopted? Agreed.

INTRODUCTION OF BILLS

CITY OF OTTAWA ACT, 1994

On motion by Mr Grandmaitre, the following bill was given first reading:

Bill Pr28, An Act respecting the City of Ottawa.

TOWN OF DRESDEN ACT, 1994

On motion by Mr Hope, the following bill was given first reading:

Bill Pr127, An Act respecting the Town of Dresden.

CITY OF WINDSOR ACT, 1994

On motion by Mr Hope, on behalf of Mr Dadamo, the following bill was given first reading:

Bill Pr122, An Act respecting the City of Windsor.

TOWNSHIP OF SIDNEY ACT, 1994

On motion by Mr Grandmaitre, on behalf of Mr Hugh O'Neil, the following bill was given first reading:

Bill Pr123, An Act respecting the Township of Sidney.

WORKERS' COMPENSATION AND OCCUPATIONAL HEALTH AND SAFETY AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT LA LOI SUR LES ACCIDENTS DU TRAVAIL ET LA LOI SUR LA SANTÉ ET LA SÉCURITÉ AU TRAVAIL

Deferred vote on the motion for second reading of Bill 165, An Act to amend the Workers' Compensation Act and the Occupational Health and Safety Act / Projet de loi 165, Loi modifiant la Loi sur les accidents du travail et la Loi sur la santé et la sécurité au travail.

The Speaker (Hon David Warner): The first order of business is a deferred vote on second reading of Bill 165; a five-minute bell. Call in the members.

The division bells rang from 1522 to 1527.

The Speaker: In the absence of Mr Mackenzie, Ms Murdock has moved second reading of Bill 165, An Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act.

All those in favour of Ms Murdock's motion will please rise one by one.

Ayes

Akande, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Christopherson, Churley, Cooke, Cooper, Coppen, Dadamo, Duignan, Farnan, Fletcher, Frankford, Grier, Haec, Hampton, Hansen, Harrington, Haslam, Hayes, Hope, Hugot, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Lankin, Laughren;

Lessard, MacKinnon, Malkowski, Mammoliti, Marchese, Martel, Martin, Mathysen, Mills, Murdock (Sudbury), O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pouliot, Rae, Rizzo, Sutherland, Swarbrick, Ward, Wark-Martyn, Waters, Wessinger, White, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Wood, Ziemba.

The Speaker: All those opposed to Ms Murdock's motion will please rise one by one.

Nays

Arnott, Bradley, Brown, Caplan, Carr, Cleary, Conway, Cunningham, Curling, Daigeler, Eddy, Elston, Eves, Fawcett, Grandmaître, Harnick, Harris, Hodgson, Jackson, Johnson (Don Mills), Jordan, Mahoney, Marland, McGuinty, McLean, Morin, Murphy, Offer, O'Neil (Quinte), O'Neill (Ottawa-Rideau), Poirier, Poole, Ramsay, Runciman, Sola, Sorbara, Sterling, Stockwell, Sullivan, Tilson, Turnbull, Villeneuve, Wilson (Simcoe West), Witmer.

The Speaker: The ayes being 60 and the nays 44, I declare the motion carried.

Shall the bill be ordered for third reading? Committee of the whole?

Hon Brian A. Charlton (Government House Leader): No, Mr Speaker, the resources development committee.

The Speaker: Agreed? Agreed.

ORDERS OF THE DAY

Hon Brian A. Charlton (Government House Leader): Just before I call the first order, the government House leader had some discussions with the opposition House leaders and we would like to set out an agreement we reached about how to handle the first part of today's business so that members would have some understanding of what was going to happen.

The first order I will be calling is the sixth order. When that bill has been debated, there will just be a voice vote on the bill. Then I will be calling the fifth order, the ninth order and the 10th order, in that order.

We've agreed that the votes on each of those bills will be stacked and the votes will be taken all together after debate on the last of those three is completed.

The Speaker (Hon David Warner): Agreed? Agreed.

LIQUOR CONTROL AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR LES ALCOOLS

The following bill was given third reading on motion:

Bill 113, An Act to amend the Liquor Control Act /
Projet de loi 113, Loi modifiant la Loi sur les alcools.

EMPLOYER HEALTH TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR L'IMPÔT PRÉLEVÉ SUR LES EMPLOYEURS RELATIF AUX SERVICES DE SANTÉ

Mr Sutherland, on behalf of Mr Laughren, moved third reading of Bill 110, An Act to amend the Employer Health Tax Act and the Workers' Compensation Act /
Projet de loi 110, Loi modifiant la Loi sur l'impôt prélevé sur les employeurs relatif aux services de santé et la Loi sur les accidents du travail.

The Speaker (Hon David Warner): Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

Interjections.

The Speaker: I gather that some wish to make a few remarks on third reading, so we will revert back to the member for Oxford.

Mr Kimble Sutherland (Oxford): I don't really have any additional remarks. I think we had a good, thorough debate at second reading regarding what the bill is all about in terms of ensuring that self-employed individuals who earn net self-employment income of more than \$40,000 a year will have to pay some employer health tax. We look at this as an issue of fairness in the tax system.

The Speaker: Any comments and/or questions?

Mr David Johnson (Don Mills): Just to be clear, because it has been a little confused, we are on Bill 110 and we're doing comments at this point?

The Speaker: You have up to two minutes for comments and/or questions.

Mr David Johnson: Oh, on his debate; I'm sorry. There's been a lot of discussion. I'll hold my comments until our part in the rotation.

The Speaker: Any other questions or comments?

Mr Murray J. Elston (Bruce): I will be equally brief. I think that in terms of any of the tax policy of the government, we have determined that their remarks around why they believe their new institutions are so fair, are so novel, are probably misguided. In fact, we've had considerable concern expressed to us about the ability of this government to enforce this new rule of fairness.

It is also of interest to me that when we spoke to the employer health tax issue on previous occasions, we have pointed out that perhaps the employer health tax in its entirety should be re-examined, bearing in mind the fact that it is based on a payroll and is not based on whether or not there is any ability of the employer to pay at all. As we go to smaller and smaller operations, partnerships or undertakings of any sort, you end up taking off the top the employer payroll tax, and that doesn't have any sense of fairness when it comes to those employees who are employed by an operation that may very well have to

start laying people off to afford to pay their employer health tax, the new levies that are going to be felt under this circumstance.

We obviously are going to be voting against this on third reading. We've had enough debate, I guess, around the entire issue, but I just wanted to remind people that it's time to re-examine the concept of the employer health tax in the province.

Mr Chris Stockwell (Etobicoke West): A revelation, no less, from the member for Bruce.

Mr Elston: This is the fourth time I've said that.

Mr Stockwell: Well, it's still a revelation, for the fourth time.

I will say the government seems to have a definition of tax fairness that is not shared in the public at large. They assume that by expanding a tax, enlarging a base, there's some kind of fairness involved. You see, when I go out and talk to the people in the province of Ontario, when they define tax fairness, those people define it by withdrawing or reducing taxes, because they think taxes—

Mr Tony Martin (Sault Ste Marie): It's a new concept.

Mr Stockwell: It's a new concept, but the only people who are catching on to this concept are the NDP and a few hangers-on who are generally employed by the NDP. 1540

What the tax fairness people are looking for—and you're using the word but you're not really getting the definition right—is a withdrawal of taxes, a shrinking of taxes, a reduction of taxes. You're calling this "tax fairness" by expanding the base of a very unpopular tax to begin with, that was introduced, as I said, by the Liberals, and what I think you need to be is a little more upfront and honest with the people. You're calling this "tax fairness," but the definition isn't that. You're using those words in order to disguise this bill so as not to raise public hackles when you're discussing it out in the public sector.

You know they don't agree with any broader interpretation of taxes. You know they don't want to pay any more taxes. You know that the employer health tax is a job-killing tax because it's a payroll tax. You know that kind of tax is the worst one because it discourages investment and it discourages hiring. You are sitting in your place today, saying, "We've discovered tax fairness and it means expanding the employer health tax so it encompasses and covers more people so they will have the joy and luxury of paying taxes in the province of Ontario." That is a loose interpretation, to say the least, and probably not what I would consider to be a fair labelling of this piece of legislation.

The Speaker: Further questions or comments? Seeing none, the honourable member for Oxford has up to two minutes for his response.

Mr Sutherland: To respond to the member for Etobicoke West, I presume he is suggesting by his comments that it is fair that if one small company that may be incorporated, versus an individual who's not, who is only self-employed and may be in the same type of business, but the one may have some employees—

Mr Stockwell: No. That's not fair either.

The Speaker: Order, the member for Etobicoke West.

Mr Sutherland: The point is, the one who may have some employees has to pay the health tax; the other one, self-employed, doesn't. When you're doing tenders for projects, for different types of things, whether that be trades etc, if over \$40,000, is that fair? Does that make a level playing field?

Mr Stockwell: Use your head, Kimble. You're not that dumb.

The Speaker: Order.

Mr Sutherland: The member from the third party who thinks they always talk about how well they represent small business is again showing that when it comes down to trying to be consistent on this issue, the party really isn't consistent.

Interjection.

The Speaker: Would the member for Etobicoke West come to order.

Mr Sutherland: Let me say to the member for Bruce, I appreciate his participation in the debate.

Interjection.

The Speaker: The member for Etobicoke West had two minutes to make his comments. Perhaps he would be polite enough to listen to the member for Oxford, who now has his two minutes.

Interjection.

The Speaker: I caution the member for Etobicoke West that if he refuses to come to order, he will be named.

Mr Sutherland: I appreciated the intervention by the member for Bruce, and I will agree with the member for Etobicoke West on this, that it was quite a revelation. What the member for Bruce has told us is that the Liberals may be thinking about trying to get rid of the employer health tax. Of course, whether that will be the same policy tomorrow or the same thinking no one knows, because they keep changing their policies, what few they have, from day to day. So no one's really sure where they're going to be, but it's interesting to note that the member is indicating the Liberals may move in that direction to get rid of the employer health tax.

The Acting Speaker (Mr Noble Villeneuve): Further debate?

Mr Elston: No, I get to reply.

The Acting Speaker: We are looking at further debate.

Mr Elston: No. You're looking at giving me a chance to reply to the questions and comments, I think, aren't you?

The Acting Speaker: We were in questions or comments. The member for Oxford has just responded. We are looking for further debate.

Mr David Johnson: I sympathize with my colleague the member for Bruce because it has been a little bit convoluted and confusing here this afternoon. People have been coming and going and it's been difficult to tell if it's a two-minute rebuttal or an actual speech or what's

going on. However, I think I've got it sorted out now and this is my opportunity to speak to Bill 110.

I think the comments from the member for Oxford point out the difference between the government party, the NDP, and the Progressive Conservative Party. The member for Oxford had said that perhaps there's an unfairness here, an unfairness there, and his attitude in terms of addressing unfairness in the tax system is to ferret out each particular individual, every individual, every little company, every nook and cranny in the province of Ontario and tax it. Put a tax on everything. If it moves, tax it. That's what the member for Oxford is saying. That's his idea of fairness. That's the government's idea of fairness, to tax, tax, tax, and if you find somebody who hasn't been taxed to the same degree as everybody else, then you tax them. That's how you implement fairness in the province of Ontario.

I think the member for Etobicoke West was very frustrated because that is not the way the Progressive Conservative Party looks at Ontario. That's not the way we look at fairness in the province of Ontario.

To illustrate that, using Bill 110, our position is not maybe opposed to Bill 110, not we will probably be opposed to 110; we are definitely opposed to Bill 110. The reason is because Bill 110 taxes more people. It expands the taxation system in the province of Ontario. It taxes self-employed people with regard to the employer health tax, people who, by a stroke of good fortune, I suppose, today, are not paying premiums for the employer health tax system, people who, I might say, many of them, are surviving, struggling, doing their best to keep a very small business going against all odds in this economy, against the heavy tax burden that they have to bear already at this point in time, people who do not need another tax imposed on the taxes that they already bear. The Progressive Conservative Party is saying that we should not put more taxes on the taxes that these people have already.

The government may say we're talking about self-employed people, we're talking about perhaps lawyers, consultants, accountants, maybe architects or dentists, perhaps people who may have a high income, but not necessarily. I see the member for Mississauga South looking at me and she's saying, "Not necessarily." I can tell you from conversations I've had with people in the dentistry field, for example, that they're feeling the pinch of this economy, as well as many other people. So the incomes are not necessarily high and many of these people are struggling and trying to make do, trying to survive. But we may also be talking about very small entrepreneurs, real estate agents, people involved in snow clearing or maybe driving sandwich trucks from site to site, or handymen or maintenance people, perhaps even ice cream vendors. We for sure are talking about many, many thousands of people on the low end of the scale who may be just getting by. Yes, there is a \$40,000 bottom-line limit on this, but with the taxes that people are paying, that's not a great deal in this day and age.

So what the Progressive Conservative Party is saying is that rather than add more taxes on the people of Ontario, we should actually be removing taxes, in

particular the employer health tax. Our attitude is that small businesses in general should not have to bear the burden of an employer health tax. The Common Sense Revolution, which has been referred to this afternoon, advocates that the employer health tax be removed from all small businesses with payrolls of under \$400,000. To be consistent in that regard, we feel that this employer health tax on self-employed people should not be imposed.

I realize that the debating time this afternoon is very brief and I have a suspicion that's about all the time that I'm allocated to speak, but I'll just reiterate once again that when we're looking at over 10% of the population of Ontario unemployed, people looking for jobs, when we're looking at the fact there are fewer people in Ontario employed today than there were when this government took office, we should ask ourselves, what is the problem here?

There are a number of problems, but the number one problem is the high level of taxation in the province of Ontario. This bill will add more taxes on to more people and it's going the wrong way and we will not be supporting it.

1550

The Acting Speaker: Questions or comments? Further debate? The honourable member for Oxford had a summary of the activities in the debate.

Mr Sutherland: Let me just say that we heard the member for Don Mills talk about the employer health tax. Look, no one's trying to deny the fact that, yes, some people are going to have to pay some extra dollars in tax. But let's remember too that with this tax, those people are receiving the benefits of the health care system.

The employer health tax was designed by the previous government to help pay for the cost of the health care system. All those self-employed people who weren't paying any were still receiving the benefits of the health care system. By what we're doing, it is saying, yes, those with a self-employed net income over \$40,000 should be paying some of the taxes to help cover the costs of the health care system.

I understand. All of us would like to have lower taxes. All of us wish we were in that position. But once again, in terms of how they've put forward in the document, the so-called revolutionary document, they put a lot of emphasis on tax cuts, they put a lot of emphasis on spending cuts, yet time and time again in this House they talk about how the deficit is a problem. Yet their proposal and alternative for dealing with that is very likely to let the deficit skyrocket.

I would just ask that we keep that in mind with regard to those comments, and I thank the member for Don Mills and others for their participation in the debate.

The Acting Speaker: Mr Sutherland has moved third reading of Bill 110. Is it the pleasure of the House that the motion carry? Carried.

Hon Marion Boyd (Attorney General and Minister Responsible for Women's Issues): Mr Speaker, the votes were to be stacked on these three orders of the day.

The Acting Speaker: I thank the Attorney General.

This bill has passed third reading. Agreed? Agreed.

Is it the pleasure of the House that the motion carry? No.

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

The votes will now be stacked following the next two orders of the House.

Orders of the day, the honourable Attorney General.

Hon Mrs Boyd: The ninth order.

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): Ninth order, troisième lecture, projet de loi 138, Loi modifiant la Loi sur la taxe de vente au détail, Mr Laughren.

The Acting Speaker: The honourable member for Oxford and parliamentary assistant.

Mr Sutherland: Sorry, can I just get clarification? We're dealing with Bill 138 now? Is that correct?

The Acting Speaker: That we are. I would ask the honourable member to please move third reading.

RETAIL SALES TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI
SUR LA TAXE DE VENTE AU DÉTAIL

Mr Sutherland, on behalf of Mr Laughren, moved third reading of Bill 138, An Act to amend the Retail Sales Tax Act / Projet de loi 138, Loi modifiant la Loi sur la taxe de vente au détail.

The Acting Speaker (Mr Noble Villeneuve): Does the honourable member have some opening remarks?

Mr Kimble Sutherland (Oxford): Yes, I do. First of all, my apologies for my poor French in terms of not catching exactly which bill we were dealing with.

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I think it's pretty ridiculous that there are 11 people in this House at this time. We're dealing with serious legislation, serious matters, and I request that a quorum be present.

The Acting Speaker: Could the clerk check to see if indeed a quorum is present.

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present, Speaker.

The Acting Speaker: The honourable member for Oxford has some opening remarks on third reading of Bill 138.

Mr Sutherland: This bill was introduced in 1993 as part of the budget items from the 1993 budget. I'd just like to take a minute to refresh members' memories of some of the key points of the bill.

This bill removes the \$5 tire tax on new tires and brings to an end the "Ontario—Incredible!" rebate program. The bill applies retail sales tax to premiums paid under insurance contracts, group insurance and funded or unfunded benefit plans.

Retail sales tax was extended to commercial parking

and to replacement parts used in the repair of taxable goods under warranty and maintenance contracts. I should say that the RST being extended to commercial parking was to try to offset some of the revenue from removing the corporate commercial concentration tax as well.

Originally this bill applied a tax on beer and wine produced at a brew-your-own establishment. After consultation with the industry, it was decided in April of this year to lower the tax from 26 cents a litre to 13 cents a litre and to cancel increases scheduled for this month and June 1995. We had a fairly lengthy discussion in committee of the whole on that issue yesterday.

There are also a number of other administrative changes included in this bill.

The Acting Speaker: Questions or comments?

Mrs Marland: I think one of the biggest farces that has been laid on the people of this province has been the tire tax. Admittedly this was not the government that imposed it originally, but when I was the Environment critic and this tax was brought in, I asked the Liberal government that brought it in to show its commitment and to demonstrate its honesty of intent by dedicating the money that was raised by the tire tax to the purpose that it described that tax bill for.

The purpose was to develop environmental programs, do environmental research into the safe disposal or reuse of tires in this province. It was on that basis that the Liberals brought it in and it was on the basis of collecting money in the millions—we're talking about something like \$100 million a year—that the tire tax was collected.

The allocation of funds from the collection of that tax to the safe disposal of used tires has been something less than \$20 million out of all those years that it has been in effect. Frankly, for all the work and the cost of collecting it and the fact that the government that brought it in would not support my motion to dedicate those funds—it just went into the black hole, the general revenue fund—it was just one big scam.

It was a lot of work for people who sell tires. It was a lot of cost for people who were buying tires. We still today, after four years of this government, do not have a safe disposal of used tires in this province.

1600

Mr Chris Stockwell (Etobicoke West): I agree wholeheartedly with the member for Mississauga South. I want to comment also on the fact—we in this caucus, as I will say, consistently have espoused that position, something that maybe the other parties have not necessarily done.

With respect to the tax measures in this bill, this is a good example of tax policy done on the back of an envelope, with respect to this government and its attitudes to taxes. Taxes became the revenue source for this government. They scurried about, hurriedly trying to manufacture areas where they could generate revenue through taxes in previous budgets. They did this, and it was clear they did this, when you saw the you-brew tax and the tax on sand and gravel delivery and so on and so forth.

They had to come back just a year later and withdraw,

retract and say, "Oh, we've consulted with those industries that we taxed," because they didn't consult with them before they introduced the tax and they found it to be oppressive, onerous, unfair, unregulable and in fact truly unfair in the sand and gravel delivery. They did this because they were doing tax policy on the back of an envelope because they wanted to generate revenue because they were so short of money because their spending far outweighed their revenue portion.

We have this member come up and sit here and say, "Oh, well, with full discussion with the you-brew industry, we've taken a long and hard thought on this and we're going to reduce this tax that we were going to implement from nothing to 26 and now back to 13." What he forgets to say is that all those people who lost life savings, businesses that went out of business because this tax and the tax policy of this government were absolutely simple-minded, were not consulted. It was not researched. It was just a grotesque display of a government grabbing for money at taxpayers' expense, costing people their livelihood, their life savings and their business.

Don't ask for applause because you're reducing this tax. This was a shameful tax to begin with.

Mrs Irene Mathysen (Middlesex): I am very pleased to comment on the removal of this particular tax because I think it's most definitely a step in the right direction. I'm particularly pleased because it takes the responsibility for recycling and reusing material from tires away from the consumer and places it back on the industry, where it more properly belongs.

I think it's safe to say that manufacturers got off rather lightly. They were generating a product that was creating problems for us in Ontario in the environment and for the consumers who used it and they weren't required to find a use, a reuse or a way of disposing of that product. So this is a very good move in the right direction.

I'd like to add that at the present time we are now recycling, reusing, about 42% of all the tires in the province. We're doing things like using them in paving, MTO has a sewer collar that will use about 50 tires and we're using crumbed rubber for products like footwear and mats. All kinds of innovative things are coming along and it gives us an opportunity in Ontario for green industry investment. I think that's a very important part of the exciting things that are going on in Ontario.

Within the next few years we will be reusing 60% of the tires produced in this province. I think that is a successful example of the kinds of innovative solutions this government has been supporting and promoting, because if we work very hard and we are truly concerned about this province, we can find those solutions.

I'm very pleased to support the removal of this tax because it's a good step.

The Acting Speaker: We can accommodate one final participant. Seeing none, the honourable member for Oxford has two minutes in response.

Mr Sutherland: I'd like to thank the members for Middlesex, Etobicoke West and the member for Mississauga South, I believe.

I just want to pick up on the comments of the member from Middlesex. I think her point is well taken. When this tax was implemented, the policy support of how you're going to use the money and how you're going to deal with all the used tires was not in place. This government has come into power, has shown a great deal of leadership through the former Minister of the Environment, Ruth Grier, and now through the current Minister of Environment and Energy, the Honourable Bud Wildman, has shown the leadership, has got the recycling programs in place, as the member for Middlesex says, using 42% of the used tires in recycling now, soon to be 60%. That is a record to be extremely proud of.

But we didn't leave that tax on because, as we know, it was supposed to deal with recycling, and the policy and the processes weren't in place to do that. We've solved the problem but we're getting rid of the tax, and I think that's a sign of good leadership and management on the part of this government to really deal with a serious problem and, as you know, a serious problem in rural Ontario.

Just to comment on some of the comments from the member for Etobicoke West, that member does know the budget process, he does know that there are extensive pre-budget consultations, but he also knows that the Minister of Finance can't go to every group that may be impacted by a tax and say, "I'm thinking about putting this tax on." He knows full well about budget confidentiality regarding tax proposals.

This government has done more than any other government to open up the budget consultation process and the budget-making process, but the member knows full well that you can't just go and say: "I think I'm going to introduce this tax. What do you think?" Obviously you cannot establish your tax policy in your budget that way, and he knows that full well.

The Acting Speaker: Further debate on the third reading of Bill 138.

Mr Dalton McGuinty (Ottawa South): I want to make a few comments with respect to the provisions in the bill relating to the new tax on the you-brew industry. I've made reference to this bill a number of times in the past, introduced petitions and met with people in my riding and in eastern Ontario and been in touch with representatives of the industry in the Toronto area. I think it's important to put some final comments on the record before I vote against this bill.

I want to take a moment as well to paint the picture as to what we had here in this province just prior to the implementation of this tax. We had a relatively novel concept in this province which had been here for some five or six years and which had grown to 235 outlets. In fact, 235 outlets grew subsequent to 1990. In effect, we had a small business anomaly. We had a small business growing in this province during a recession. It was owned entirely by small business entrepreneurs who sank about \$50 million in total into the businesses. It's my understanding the average startup cost was about \$200,000.

The other interesting aspect of this small business industry was that it was very labour intensive. Even though the you-brew premises account for only 2% of the

market of the beer production in this province, they employ a full 40% of all the people who are involved in the production of beer in Ontario. So we had a good-news story.

Let's find out what this government did. In June of this year, I met with the representatives of the Brew on Premises Association of eastern Ontario and they told me of their concerns about the pending tax which had been announced in the budget. I raised that issue in this House with the minister and asked him specifically whether he had ever conducted any kind of an impact study to find out what the tax would do to the industry. He told me that no such study had been done.

On August 1, 1993, the new tax of 26 cents a litre kicked in. On September 30 we had our first results as to the impact of the tax. That I received, again, from the Brew on Premises Association of eastern Ontario, which told me that their average number of daily batches, which is an important measurement for them, had dropped from 16 to four. They had experienced a 75% decline in the business. Each of eastern Ontario's 23 stores had laid off employees. In short, the tax was having a devastating effect on the business.

At that time, September 30, I asked the minister to consider rescinding the tax. He said no. In October 1993 I began to introduce petitions, as did a number of other members. I personally introduced petitions signed by over 10,000 customers at Ontario you-brew premises.

In November 1993 the Brew on Premises Association of Ontario released their results of a more comprehensive survey assessing the full impact of this new 26-cents-a-litre tax. The results were these: 186 full-time jobs had been lost, 225 people who worked on a part-time basis were put out of work, sales volumes were down by approximately, or averaging, 50%. In short, total industry job losses were 400. Out of 235 business operations, there were 10 bankruptcies, 33 businesses were placed in receivership and 45 of those operations lost their credit status and were unable to borrow any further moneys.

In April of this year the minister announced that he was going to reduce the tax from 26 cents per litre to 13 cents. That had the effect—as would the effect that you and I would have, Mr Speaker—where we'd bang our heads up against the wall and then be told we'd be allowed to stop. Somehow that would make us feel better. The government is trying to spin this as somehow a good-news story in that they have reduced the tax, which never existed before, from 26 cents per litre to 13 cents a litre, and we are somehow to find solace in that fact.

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The other thing that I think is important to understand about this tax is that although we call it a sales tax, no sale is taking place. This is how it works, and it's important for the members of this House to understand that. When I go into a you-brew operation, I buy ingredients from them, first of all, and I pay a provincial sales tax on those ingredients. There's also a service component, and I pay GST on that service component. I then use their facilities, I mix the goods together, I produce beer or wine, and then on the way out, they say there's an additional tax. It's a sales tax and it's based on the

number of litres you've produced, but there's no additional sale taking place. The only sale that takes place at a you-brew operation is when you buy the raw goods. So there's no sale taking place here. That is purely a matter of fiction. All the government is really after is tax dollars, and that's the long and the short of it. There's nothing more complicated to it than that.

Just to sum up, what we had here was a small business tragedy. The government turned a silk purse into a sow's ear. We had had a small business success story in this province. It was a fledgling industry, in its infancy. It was a small business anomaly: It was growing, during a recession, to 235 operations. And then the government came along and imposed a new tax without proper consultation, without a proper impact study, and the net effect has been to put people out of work, to cause pain not only to those workers but to their families and their surrounding communities. It all could have been avoided, and that's a shame.

The Acting Speaker: Questions or comments?

Mr Stockwell: The comments that were made yesterday when we were in committee of the whole by the member for Ottawa South were rather interesting and certainly thought-provoking with respect to a sale that potentially does not take place, and the retail sales tax being applied to a sale that doesn't take place.

The answers forthcoming from the member for Oxford, although diligent in offering them, did not offer a complete and thorough explanation. I still believe there's some debate that needs to be taking place with respect to the you-brew industry and the fact that while going in and brewing your own beer, what are you paying tax on? Are you paying tax on the beer that you're making yourself, whereas if you make it at home you don't pay tax, or are you paying tax on the equipment that you're potentially renting to make the beer that if you made it at home you wouldn't have to pay tax on? Again the answers were not forthcoming from the member for Oxford.

And I don't blame him. I don't think this is well-thought-out as a tax policy, about exactly what you're paying tax on and what is actually being sold. Are you selling the equipment rental? Are you selling the labour the person puts into it? If you're selling the labour the person puts into it, it's his own labour, so you're taxing his own sweat.

If all this were done at home in your basement or in your garage, which many people in my riding do—in Toronto specifically there are neighbourhoods where all kinds of you-brew or wine-making facilities are in garages, and they're not taxed. It's rather interesting that if you make your beer at a facility in a commercial district, you pay tax on it; if you do exactly the same thing in your garage, you don't. What about that for tax fairness?

Mr Sutherland: I appreciate the member for Ottawa South participating in the debate. Let me just say, though, to pick up on the comments he's made and the comments the member for Etobicoke West has just made, if you take what they're saying, the implication is that somehow the brew-your-owns are in this business out of the

goodness of their hearts. "We're just providing a service here. We're just providing all these facilities"—if you took what was being presented here—"almost free." They're not providing it free. They are obviously into it to make a profit. That's a good thing.

But as we said during the committee of the whole debate, there are different types of breweries that are all taxed. There are the large breweries that have to pay tax on their consumption. There are the brew pubs that have to pay tax on theirs, certain types of establishments that brew their own draft. I can think of that fine establishment in London called the Ceeps that does that. They have to pay tax on it too.

You don't have to pay tax if you do it all in your own home, that is quite correct, but let's make sure that we're trying to do the comparisons that are equivalent here in terms of regular breweries, brew pubs and then in terms of what brew-your-owns are. They are deriving a benefit out of this. They're not just doing it out of the goodness of their heart to provide all these facilities to make it easier. I think that is part of what we need to keep in mind with this debate.

The Acting Speaker: Further questions or comments? The honourable member for Ottawa South has two minutes in response.

Mr McGuinty: You know, it can be very frustrating, because sometimes you develop a distinct impression that members of the government have not had the opportunity or the benefit of gaining a full understanding of all the costs associated with running a small business.

Just to sum up, basically, these people are already paying all kinds of moneys out in taxes. They pay rent. They pay their property taxes. They pay their business taxes. They pay insurance. They pay heat. They pay hydro. They pay water. They pay interest on the moneys they've borrowed. They pay their employment taxes. They're paying UIC, WCB, CPP, the employer health tax, they're paying out the salaries, and God knows what else.

This is a new tax which is a fiction, I maintain, because there is no sale of any real sort taking place.

The member for Etobicoke West raised the points that I raised in this Legislature yesterday, and there's a real question as to the distinction. We would have to, I think, twist our minds into pretzels in order to establish why it is that if I buy the ingredients at a store and take them home and mix them together, I'm not paying this 26-cents-a-litre tax, but if I make them at this particular operation, I am paying that tax. There's no justification for that distinction.

The important thing to keep in mind as well is that over 2,000 jobs were created through the small business industry. It's extremely labour-intensive. When you establish this kind of tax, like many of the other taxes that have been established over the years, you are taxing those jobs. At the end of the day, if nothing else matters in this province, it's surely that if there's something we have to be doing, it's focusing on job creation, and this is job-killing.

The Acting Speaker: Further debate?

Mr David Johnson (Don Mills): What we're talking about today through Bill 138 is a number of tax increases from the 1993 budget. We're talking about tax increases that were announced over a year ago today. We're talking about tax increases, as my colleague from Etobicoke West has indicated, that the government is backtracking on today. Some they implemented in 1993, some we're approving here today, some are being revised as we speak—implemented one year, revised the next year. It points out the lack of thought, the lack of analysis, that went into the—

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): You're the expert at that when it comes to the Revolution.

Mr David Johnson: My colleague the Minister of Agriculture has mentioned the Common Sense Revolution, and I thank him for bringing that to our attention again. Certainly a great deal more thought has gone into the Common Sense Revolution. I thank you for recognizing that.

The tire tax has been referred to today. The tire tax, of course, goes back to 1989. Now, 1989, as the member for Simcoe East has indicated, was one of the worst years in the history of taxation in the province of Ontario: some 16 tax increases in that year.

The member for Oxford has referred to the commercial concentration tax, which was introduced that year as well, a tax that was reviled in the greater Toronto area, where there was a tremendous amount of opposition to it. Finally, last year it was revoked, thank heavens. It took a great deal out of the business community within Metropolitan Toronto and region, and it cost a considerable amount of jobs.

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The tire tax was also introduced in 1989 with the apparent intent of the Liberal government at that point to raise funds for research and for recycling of tires. However, the net result, as the member for Mississauga South has indicated, is that in all likelihood some \$200 million was raised through this tax from the people of Ontario—some 10 million tires are discarded, I might say, every year; a phenomenal number of tires—but probably about \$20 million was actually put into research for the purpose the tax was intended for. What the tax turned out to be was simply another tax grab, another way of building up the general revenues of the province of Ontario.

I do compliment the government today for revoking that tax, one of 16 taxes introduced through the Liberal government in 1989. However, I can't be quite as kind when I look at the other taxes out of the 1993 budget that are introduced today. We're not only talking about the tire tax, we're not only talking about the tax on the brew industry, but we're also talking about the broadening of the retail sales tax in the province of Ontario to include, for example, insurance premiums: auto insurance premiums, home insurance premiums and other insurance premiums. Also, the retail sales tax was applied to parking revenues.

This has been a burden not only for the insurance industry, which employs a great number of people in the

province of Ontario, but it's been a burden for the average citizen, the average citizen, of course, who must get automobile insurance. Those who own homes must have home insurance.

Mr Leo Jordan (Lanark-Renfrew): On a point of order, Mr Speaker: I think this debate warrants a quorum in this House.

The Acting Speaker: Would the clerk check to see if indeed a quorum is present.

Clerk Assistant and Clerk of Committees: A quorum is not present, speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present, Speaker.

The Acting Speaker: The honourable member for Don Mills may resume his participation in the debate.

Mr David Johnson: I was just talking before the quorum call about the provincial sales tax being extended to insurance programs. Just as one example, it was estimated that through various employee benefit insurance programs some \$715 million in revenue would be brought in.

Another aspect, on the parking: Wherever a fee is paid for parking the sales tax has now been extended to that. The estimate there is that will bring in about \$40 million a year.

The government is desperate to bring in more money because the expenditures in the province of Ontario have outstripped revenues coming in such that today the expenditures in Ontario are about \$55 billion and revenues about \$45 billion. Consequently, the government will have to borrow somewhat more than \$10 billion, perhaps up to \$11 billion, simply to balance the books. But that will add \$10 billion to \$11 billion to the debt of the province and bring it, by the end of this fiscal year, to slightly in excess of \$90 billion.

The attitude of the government has been, rather than to cut expenditures, to attempt to bring a closer balance by increasing revenues. The measures from last year's budget that we're seeing today are certainly an attempt to do that.

We've also talked about the you-brew industry. The point has been made, and I think it's been made well, that this was a tax that was put on without understanding the business, without understanding the small business community, without understanding this business in particular. The member for Ottawa South has raised the aspect of double taxation.

I will simply say, from my experience in talking with a small you-brew operator in my community, that when the tax was imposed the volume of business he was able to perform in our community dropped by about 40%. The cost of doing business, the perception of his customers that it was becoming too expensive to brew your own beer, make your own wine, caused his clientele to drop by about 40%. He barely hung on by his fingernails. Many didn't. It was estimated that 40% of the 200-odd you-brew operators went under and were forced into bankruptcy.

The member for Oxford has indicated that the government went through a consultation period with these operators. I think a more apt description was that there was no consultation in the first place. There was no understanding of the impact on the you-brew operators. The tax was imposed. Many went bankrupt. They pleaded with the government to give them some relief from the onerous tax and two subsequent taxes that were still to be imposed on those operators, and those pleadings were partially recognized. That is not what I call a consultation process. That's nothing but a gross mismanagement of the application of this tax.

What's happened is that instead of having no retail sales tax applied on the end product—in terms of the ingredients that go into it, they are taxed, as they always have been—instead of having zero sales tax applied, there will be 13 cents per litre applied rather than the 26 cents that was originally proposed. That's an improvement, but it's nothing to be proud of, in my estimation.

The other aspect that has been alluded to today concerns sand, gravel, dirt: products that go into making roads, sidewalks, that sort of thing. This tax was a problem not only for the operators of dirt sites, gravel sites, sites that mine sand, not only for those who deliver the product, but it was a problem for municipalities.

In consulting with the municipalities that I represent directly, the borough of East York and the city of North York, I was astonished to determine that there was a huge cost to the municipalities because of the provisions of Bill 138, the bill we are debating right now, some quarter of a million dollars to the borough of East York, representing about a percentage point on the mill rate, and the better part of a million dollars to the city of North York.

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These costs came about because of the provisions I've already mentioned, because of the tax on sand, gravel, products they use constructing their streets, their sidewalks. It came about because of the tax on their auto insurance, the insurance they need for their vehicles. It came about because of the tax on employee benefits that would have to be paid. About a percentage point on the property taxes for the municipalities: I wonder if that was realized when this was brought in.

This is a problem not only for businesses, this is a problem not only for individuals, but it's a problem for the municipality and other employers. That's what we're talking about in Bill 138.

As I've indicated before, it's the position of the Progressive Conservative Party, through the Common Sense Revolution, that this is not the time to be putting more taxes on any aspects of our community: on our people, on our citizens, on our businesses or on our municipalities. We should not be imposing these taxes and we will not be supporting Bill 138.

It's perhaps indicative that the government already is backtracking on two aspects of this bill. The you-brew industry: One year ago they took one position, today they take another position. Thank heavens they're taking an altered position, but it shows the lack of thought. On the sand and gravel, they recognize that the program that was

instituted one year ago is not manageable, cannot be administered, involves double taxation in some cases.

Significantly, we have another bill before us that was to be debated this afternoon. Bill 160, which was to be debated this afternoon, would have reversed the tax on delivery of sand and gravel, but it's all mucked up too. There's an aspect in that bill—many aspects in that bill, I suspect, that have not been properly handled, so it's been yanked from the agenda this afternoon. It's not going to be debated today. Hopefully, we won't see that bill again until the fall and hopefully we'll see a number of different bills.

Interjection: It's coming tomorrow.

Mr David Johnson: Tomorrow? Is it coming back in tomorrow? I think you'll have a problem if it does, Mr Minister.

In that bill, if it ever does come back—and it's my strong suspicion it won't come back in the form that we've seen it in in the past because there are just too many problems—it will announce that the sales tax on delivery charges has been deleted. It just can't be managed. It points out, in another way, the problems we have with Bill 138.

The Acting Speaker: Questions or comments? Further debate? The member for Oxford has some summary remarks?

Mr Sutherland: Briefly, I appreciate the members having participated in the debate.

The good points about this bill have certainly been mentioned, about removing the tire tax and how this government has dealt with that issue.

Regarding the points the member for Don Mills made about delivery charges, when we get into the debate about Bill 160 that issue will be addressed a little more thoroughly, so I'll leave comments on that until that time.

The Acting Speaker: Mr Sutherland has moved third reading of Bill 138, An Act to amend the Retail Sales Tax Act. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

The vote will be stacked, pursuant to the following order.

CORPORATIONS TAX AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT LA LOI SUR L'IMPOSITION DES CORPORATIONS

Mr Sutherland, on behalf of Mr Laughren, moved third reading of Bill 146, An Act to amend the Corporations Tax Act / Projet de loi 146, Loi modifiant la Loi sur l'imposition des corporations.

The Acting Speaker (Mr Noble Villeneuve): Does the honourable member have some opening remarks?

Mr Kimble Sutherland (Oxford): Bill 146 deals with a number of changes to the Corporations Tax Act, including the implementation of the corporate minimum tax, or CMT. This government worked with a number of stakeholders prior to finalizing the CMT. There was a working group from the Fair Tax Commission. We

provided a discussion paper in the 1993 budget strictly on the CMT and met with over a dozen groups representing taxpayers and received over 50 letters and submissions. All of this information became part of the draft legislation and clearly the CMT is now a more workable program as a result of that input.

It is very important to note that small businesses will not pay the corporate minimum tax, nor will the CMT have a negative impact on small business. The CMT is levied at a very low rate on profits and only in cases where the corporation is paying little or no regular income tax. The vast majority of businesses with less than \$5 million of assets will not have to pay any CMT.

The CMT will not make Ontario less competitive. Ontario has the third-lowest general corporate income tax rate in Canada. Only large corporations will pay the tax, and only if they are profitable but pay little or no regular income tax. This represents 2% to 2.5% of Ontario corporations. The CMT will also allow the government to maintain the delivery of important incentives through the tax system. There is now a balance between fairness and maintaining tax incentives that promote economic growth and job creation.

Among other changes, the bill reduces the rate of corporations tax paid by small businesses to 9.5% from 10%, another tax decrease. It also reduces the rate of corporations tax on income from manufacturing, processing, mining, farming and fishing from 14.5% to 13.5%.

The Deputy Speaker (Mr Gilles E. Morin) Questions or comments?

Mr David Johnson (Don Mills): I think I'll take advantage of this period, Mr Speaker. The member for Oxford didn't indicate this, but this bill also reduces the amount that's deductible for meals and entertainment from 80% to 50%.

Interjection: Hear, hear.

Mr David Johnson: This was a measure earlier of the federal Liberal government, and the NDP is falling into line in that regard. I suppose many people would say, "Hear, hear," because the perception is that this has value to big business people and expensive restaurants and that people are being ripped off.

But the Ontario Restaurant Association did an analysis of this and found that a significant proportion of this deduction was being allocated to blue-collar workers and very much family restaurants, smaller restaurants, and it wasn't just those at the high end of the salary scale. There was a high percentage of people at the lower end: firefighters and police officers and many other working people who were taking advantage of this.

It also will have a dire impact on the restaurant business, and the restaurant business hires many people at the very low end of the scale. I don't have the figures in front of me today, but the restaurant association has forecast, as a result of this, a loss of jobs. We may applaud that this deduction is being reduced, but let's recognize that this is going to cost people in restaurants: waitresses, waiters, people on the low end of the income scales. It's going to cost jobs to at least hundreds, if not thousands, of people across the province of Ontario, and

I think that aspect is a bit sad.

Mr Sutherland: I'm glad the member for Don Mills rose for a two-minute response. Let's be very clear about something. Yes, there is a reduction in this, but if we go back to that wonderful document, the Common Sense Revolution, what does it say about tax breaks to businesses? It seems to me, if I read it correctly, that what it said is that there shouldn't be any. Some would argue that, yes, this does help and encourage the restaurant industry, but if you take what you say in that document to its fullest degree, I don't see how you can be standing up here and saying, "This is a bad thing to do." You're the party that says there shouldn't be any tax breaks and the types of things there for business: "Just reduce it overall." If you're saying that, you need to keep that in mind and try to be consistent in this area.

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I just want to clarify too that this action does parallel a similar budget measure by the federal government and, may I say, the Quebec government and US governments. Clearly, others feel that not everything was being defined appropriately on how this was being used. I think that's where the concern is.

Mr Chris Stockwell (Etobicoke West): Explain it.

Mr Sutherland: Well, let's talk about examples: the SkyBoxes down at the Dome; part of the exemption on the cost of the SkyBox was here. We need to keep that in mind. Yes, there are certainly some small business people who take advantage of it, fair enough, but we can't say that it's only small business people. There are large corporation people. I guess the question is how much of it is directly business-related or whether it's just in terms of other types of socializing activities.

The Deputy Speaker: Further debate?

Mrs Elinor Caplan (Oriole): As critic for the Ministry of Revenue, and this is a revenue bill, I had some extensive debate on Bill 146 during second reading. I have not seen any amendments proposed by the parliamentary assistant or by the government, so I would assume that all the comments I made during the second reading debate would be as valid today.

I would just like to point out a couple of things. First of all, what Bill 146 does, and it is an Act to amend the Corporations Tax Act, is introduce a corporate minimum tax. Whenever the government asked advice from the Fair Tax Commission or anyone else, the advice was, "Do not introduce a corporate minimum tax." Government has seen fit to introduce this despite all the advice that said, "Don't do it."

What this does is create an environment in Ontario which does not lead to economic prosperity; it creates more red tape. We know that particularly foreign investors who are looking at Ontario as a potential place to invest look at this new initiative and it gives them pause and cause to reconsider. We know that Ontario has lost much foreign investment and business, both in its ability to create jobs as well as to attract new jobs to the province, because of the policies of this government.

Bill 146 is really about higher taxes, notwithstanding the fact that contained in the bill there is a small tax

reduction to some sectors. While I support the tax reduction, overall, on balance, this bill is about more taxes. We know that more and higher taxes are not going to lead to the economic prosperity and job creation that is so vital and necessary in Ontario today.

I want to point out the changes that have been made in terms of the reduction in the tax break for businesses on their entertainment. We know that particularly when attempting to attract business to Ontario, often business entertainment is extremely important. The restaurant industry is very upset and distressed that, particularly in this economic environment, where so many people have lost their jobs and are not able to go out to restaurants any more, the one sector that still has an incentive to go out and is able to go out is the businessmen and women of this province, and now this creates a disincentive for them to use their dollars in a way which would support the restaurant industry, which has been suffering in this province.

To all of those people who work in the hospitality industry—restaurants, waiters, bartenders and so forth—the NDP government is creating a disincentive for business people to go to restaurants. It's important to know that this is a feature of Bill 146.

I'm not going to prolong the debate. I would like to point out that we talk about incompetence and mismanagement, and people say, "Oh, that's just rhetoric." This bill is an example of incompetence and mismanagement. Contained in this bill is a provision which is a temporary capital tax surcharge on banks that was announced in the 1992 budget. That provision has already expired, but this is the legislation that gives effect to something retroactively whose effect and impact has already expired.

It's my view that retroactive legislation is not the way to go. Omnibus legislation is confusing to people who watch these debates, and the incompetence of bringing in legislation to give legal status to a tax that you already collected and have now stopped collecting is the height of both incompetence and mismanagement. I think that would stand the test that it is not just rhetoric.

I'm not going to say anything further about Bill 146. I will not be supporting it.

The Deputy Speaker: Questions or comments?

Mr David Johnson: I won't be supporting it either, and I share the concern of the member for Oriole with regard to the entertainment tax. I mentioned that already. I guess it goes without saying that if people have less access to the deduction, as will happen after this bill, then certainly fewer people will go out, fewer people will buy meals. These are business people, yes, and they're declaring it as an expense, but they're not all rich people.

The member for Oxford loves to use the example of SkyDome, but he could well use an example of a small business person who doesn't have an office, perhaps just has a location to run his or her business but no office and has to take a client out to try to drum up some business. And where do they take a person out to? These are people who are hanging on by their fingernails. Quite often, they may take a person out to the corner restaurant, and this may not be some fancy restaurant. This, in many

cases, is a local family restaurant. That will be lost. They will go out on fewer occasions and there'll be less business for the restaurants across Ontario.

Maybe people think that's a good thing, but there is a bad side to it. The bad side is that the restaurants will suffer, and some of the people employed in the restaurants will lose their jobs.

The member for Etobicoke West is going to be speaking on a corporate minimum tax in a few minutes; he's getting wound up. I can say that this is just another signal to the business community in Ontario that, "You're not welcome." Another tax: Anybody that's looking at investing in Ontario, here's something else for you to encounter. At a time when we have so much unemployment, we don't need this tax.

Mr Sutherland: It's very interesting to hear the comments of the member for Oriole regarding the deduction in business and entertainment tax and how you can contrast that to the message from the member for Don Mills.

In both cases there's a great deal of inconsistency, particularly coming from a Liberal perspective, because this is a 1993 budget measure, and of course the federal Liberals in 1994 did something very similar. If the member wants to say she disagrees with the federal Minister of Finance, I think she should get up and be very clear with the people, to say she disagrees with Jean Chrétien and Paul Martin on what they've done federally, and then we take that into account.

I've got the comments here from the so-called Revolution, and very clearly it says: "We will cut business subsidies and reduce government grants, for total savings of \$200 million. With increased economic activity, fewer subsidies to business will be necessary."

Doesn't that say a lot about where the Tories are coming from? And again the inconsistency: Many would make an argument that no matter at what level, whether you're talking large business or small business, some would say this is a subsidy, a subsidy for small business.

We're doing a lot of things in the tourism area to promote and attract people to Ontario. Very clearly, one of the main beneficiaries of tourism is the restaurant industry, and Ontario's tourism sector is obviously growing and developing, and we're doing all we can to ensure the strength of the restaurant industry in Ontario.

1650

The Deputy Speaker: Further questions or comments? If not, the member for Oriole, you have two minutes.

Mrs Caplan: The parliamentary assistant carries on the tradition we've seen here in this House from the NDP, and that is: Don't take responsibility for any of your policies. Find somebody else. Try to blame them.

It reminds me of the story of the three envelopes that a new government minister found on the desk, and I told this joke back in 1985. In the first envelope, when you opened it up and asked for advice, it said, "Blame your predecessor," in the second envelope it said, "Reshuffle the ministry," and in the third envelope it said, "Prepare your picture for the wall."

Let me tell you, sir, you're opening the three envelopes. People are tired of hearing you find somebody to blame for your policies, your mismanagement, your incompetence. Bill 146 does nothing to give confidence to the business communities here in the province. You've created a climate where you've done nothing but raise taxes, increase red tape and create disincentives for job creation.

You talk about all the things you're doing in tourism. We met with Tourism Ontario and the tourist industry in Ontario, and what they say is that they have had less support and less encouragement from this government than any government in the history of Ontario. Everybody in this province knows that you just don't get it.

You've got to stop looking and blaming somebody else. You've got to stop pointing the finger and start taking responsibility for your own policy decisions.

Bill 146 is not deserving of support, because it contains policy initiatives which are not consistent with a prosperous, healthy, job-creating economy. You've introduced taxes that you've been told not to introduce by your own Fair Tax Commission. You've introduced business disincentives that small business people are telling you are going to hurt not only the small business person but also the restaurant and tourism industry and the hospitality industry.

Bill 146 is not deserving of support.

The Deputy Speaker: Any further debate?

Mr Stockwell: The minimum corporate tax issue is a fairly decent and interesting issue to examine what's happened in this place with respect to the governing party. It probably would do well for a political science course to see what happens with a government and its philosophy. Not just this government—I think all are to blame on some issues—but particularly this government with respect to the minimum corporate tax.

In my hand I have a copy of the Agenda for People. The members opposite often like to comment on the Revolution, and that's our revolution. That's a document that talks about the things that we would do, if elected.

Their revolutionary document was Agenda for People. The Agenda for People, as I have read in books written by those who claim to be close to the decision-making process, was a document that was basically developed the day before the leaders' debate in 1990. It was developed because there was some concern that Bob Rae was going about the province making a lot of speeches and saying a lot of things but didn't really have a piece of paper with it written down what the policies of his party would be should it enter government. I think one of the researchers and another member got together and developed this Agenda for People, and it was released, I believe, the day of the debate.

The Agenda for People deals very specifically with the minimum corporate tax. I know the member for Oxford finds this an interesting debate, because he himself ran on this agenda during the election. I think it's very important that we remind not only the watchers out there and ourselves but those members across the floor about what the real issue in the 1990 campaign was and what you

people were saying about the minimum corporate tax. You didn't take long to get into it. On the very first page, the fourth paragraph, it says—which I thought was slightly humorous today—Bob Rae speaking:

"I started this campaign by saying our party would not be presenting an endless catalogue of promises to the people of Ontario. And today I'm putting before the electorate An Agenda for People."

Seventh paragraph:

"Instead, our platform for this election represents a new beginning for Ontario, an agenda for people that begins the work of making our tax system fair, restoring our environment, protecting people in their jobs, alleviating poverty, making homes more affordable, and building a stronger nation."

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): We're proud of it. We've delivered on all those things.

Mr Stockwell: These are very noble statements, and I believe the Minister of Agriculture honestly believes he has delivered on all these things. There are those who would disagree with you, as there always will be.

But you also had comments in this document about the minimum corporate tax, and I'll read them to you. They say:

"Ontario should lead a tax revolt—a revolt against the Mulroney GST"—I'm asking the honourable member for Oxford to listen to this—"a revolt against corporate tax giveaways, a revolt against the continuing accumulation of vast amounts of wealth in fewer and fewer hands while low- and middle-income families are taxed at every move," I say to the member for Oxford, who is not listening.

"It's time to stop the free ride for those who can pay more. And that's what I've outlined today—a program of tax fairness that makes profitable corporations and wealthy individuals pay their fair share."

Mr George Mammoliti (Yorkview): This is boring.

Mr Stockwell: I'm sorry, this is your document. If it's boring it's not my intent to be. It's a document that you drafted. I didn't think at the time when you drafted it that you probably thought it was boring.

What you said in this document and what is contained in this piece of legislation before us are very different. You talked about a minimum corporate tax, I say to the member for Oxford, that would generate \$1 billion a year in revenue. You talked about the corporate tax giveaways and the rich people who are ripping off the system.

May I suggest to you, through you, Mr Speaker, to the member for Oxford and to the governing members, this Bill 146 is a pale imitation of what you promised the people. Why is this a pale imitation of what you promised the people? Because what you wrote about in An Agenda for People doesn't really exist. It doesn't exist.

Mr Anthony Perruzza (Downsview): Is that why they elected us, Chris, because of that?

Mr Stockwell: That's one of the reasons. It doesn't exist because what you've discovered upon gaining power is that those corporations that pay little amounts of taxes

do so because they have tax considerations built into the system that allow them to drop the amount of income earning.

Now, what is that? It's very popular to walk around and talk about the three-martini lunch and the corporate welfare bums, all slogans that were very popular among the socialists in the 1960s and 1970s. But what it comes down to, as far as the major tax concessions are concerned, I say to the member for Oxford, is that when a company, a corporation that makes a lot of money, is allowed to reduce its profitability, it's because it invests in things.

What are they investing in, I ask the member for Oxford. They're investing in something like research and development, R&D. I've heard your Premier and you yourself and the Minister of Economic Development and Trade talk about the fact that we've got to increase research and development in this province. So any time a business in this province invests some of its profits in research and development, it's allowed to reduce the amount of taxes it pays. You say on the one hand it's a good thing to have research and development, and on the other hand you get mad at them when they have a reduced amount of tax to pay. It's very inconsistent, to the member for Oxford, who still won't listen.

I say also to the member for Oxford, who doesn't listen, what else are these companies investing in? Not just research and development. They're investing in new equipment, new buildings, new machinery, all kinds of things that allow them to write down the profits of their business because they're reinvesting it back into the province of Ontario, creating jobs, creating a climate and creating, most importantly, taxes that we can then use to fund the programs that the member for Oxford, who won't listen, thinks are very, very important.

The minimum corporate tax is put in place—it's a bit of a shell game, in my opinion.

Hon Mr Buchanan: It's a minimum, not a maximum.

Mr Stockwell: It's a bit of a shell game, I say to the Minister of Agriculture. If you don't fundamentally believe that these companies are not paying their fair taxes, then I say, examine your tax policy, find out why they're not paying fair taxes.

What you will find out, Mr Minister, and to the member for Oxford, who still won't listen, is that these companies are reinvesting in this province, reinvesting in workers, reinvesting in training, reinvesting in equipment, reinvesting in buildings, reinvesting in research and development, and you have the nerve to say, at the end of the day, when these companies are doing the things that any jurisdiction would ask them to do, beg them to do and in some instances pay them to do, like Ford and Chrysler, you have the nerve to say to them, "By the way, ladies and gentlemen, the taxes you paid weren't high enough, so give us more."

1700

What kind of tax policy does that leave with the impressionable business person in this province who's looking to start a business and begin making money so at the end of the day they may pay their fair taxes to run

our province's social services and health care system? I say it leaves them with the message that what you say in public and what you legislate in this place are two very distinctly different things.

I will say this too. The member for Oxford, who still won't listen, said in one of his comments, "This tax will not make us less competitive." That comment alone is a tell-tale sign of the misunderstanding this government has with respect to the private sector, because every tax that you implement, regardless of its size, of its breadth and the amount of money that it raises in any jurisdiction, be it provincial, federal or a state, makes the businesses within that jurisdiction less competitive.

There's a balancing act. There's a balancing act that says we must have a reasonable tax rate to provide reasonable services to the people in the province of Ontario. But be forewarned. Any tax you introduce, to the member for Oxford, who won't listen, makes any business less competitive.

For the parliamentary assistant to the Minister of Finance to stand in his place and say a minimum corporate tax will not make the businesses less competitive in this province is a grotesque misunderstanding of what taxes can do and should do and will do to business sectors in this province. Mark my words. Any tax, as any private sector person will tell you, makes people, businesses, communities, everybody less competitive.

Finally, the member also suggested that we in this province are something like the third-lowest jurisdiction with respect to corporate tax. If he were listening, I'd find out whether or not that was the correct statement, but he won't listen. I'll assume this is the right figure: the third-lowest in this country.

What the member refuses to do—and I saw the Premier do this during the CMA debate a week or so ago. This is just absolute selective amnesia. If you want to take one small section of your tax policy out and begin to quote that as the be-all and end-all as to why businesses will or will not locate in your jurisdiction, you're being, I will say, at least shortsighted, but you're also trying to kid the troops, the troops being the taxpayers.

A business will not simply look at what your corporate tax structure is; a business will also look at what the personal tax structure is, what kinds of payroll taxes are in place, what kind of debt, what kind of debt servicing, and the solvency of those jurisdictions. When you fold those kinds of comparisons in, we no longer are the third-best, and when compared on a North American-wide basis, we are fundamentally, frankly, one of the worst.

For the Premier to stand up and mouth that statistic as if it meant or could mean anything to any business person in this province as to swaying them where or when to invest money is only kidding the troops. Those people in the manufacturing sector and those investors in businesses and in buildings and in hardware and in equipment will only laugh at that comment because they know full well that's just one of many equations that go into decision-making as to where risk capital will go.

The other decisions I listed, and when we fold in all the other tax implications in this province, we are not the

third-best. When you compare it on a North American-wide standard, which is the minimum standard compared to where people can relocate to, we are significantly lower than third-best, if not near the bottom.

We then have Bill 146, which speaks to the minimum corporate tax. I will speak about the other portion in this, which the member for Oxford, who still won't listen, talked about with respect to the Revolution. The Revolution says, and I will quote from memory—

Mr Perruzza: On a point of order, Mr Speaker: He comes in here and he says this stuff but he never quotes any numbers. He never—

The Deputy Speaker: Would you please take your seat.

Mr Perruzza: He can stand up and say anything?

The Deputy Speaker: Would you like to leave the House?

Mr Perruzza: He can stand up and say anything?

The Deputy Speaker: There is a period after his debate where you can make all the comments you wish to, and I would ask you to refrain from interjecting.

Mr David Johnson: Mr Speaker, I don't believe we have a quorum in the House and I think we should have a quorum to listen to the member.

The Deputy Speaker: Would you please check if there is a quorum.

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present.

The Deputy Speaker: The member for Etobicoke West.

Mr Stockwell: As I said to the member for Downsview during that brief hiatus, that was probably one of the most insightful things he's brought to this Legislature, and I'd like to thank him for it. Because it was one of the most insightful things he said, I think it speaks volumes to what he's said in this place.

What I was speaking about just a minute ago was the Revolution document and how it stresses the fact that what we don't need is government handouts.

Let's examine what we've done in the past with respect to government handouts. One of the first issues we dealt with in this Legislature was the troubling difficulty we had with Varity, if you remember Varity Corp. Varity Corp was an example of a government handout gone sour, and it went sour because basically what happened was that it flew south in the night and \$50 million in hard-earned tax dollars flew south with it. It was embarrassing. It was embarrassing for the present government, it was embarrassing for the previous government, and probably it was embarrassing for all the people of the province of Ontario.

What we speak to in terms of the incentives and programs—it's not that the restaurant industry specifically is requesting that we maintain unreasonable positions with respect to taxing the restaurant industry. It's like the

first home ownership plan, the OHOSP. The fact is that if you had a competitive economy and a reasonable tax rate, our document is saying that you should not need to offer these kinds of incentives for people to do business in your jurisdiction. You offer these incentives because they can't compete, and they can't compete, generally speaking, not because they're not smart enough, not because the equipment isn't good enough, but simply because the economy is not in good enough shape to offer them the best opportunity to succeed. We don't believe in handouts.

The member across the floor today mentioned Windsor going back to work. Windsor's going back to work for a couple of reasons, I'll say to the members opposite. Free trade's got a lot to do with why Windsor's going back to work and rehiring. They don't want to accept that.

I admit that free trade has been difficult in some sectors and difficult in some areas and communities. But to suggest that the recalls in the automotive industry have nothing to do with free trade shows how shortsighted and narrow-minded your position is on that issue. It's absolutely closed-minded to suggest categorically that nothing at all good can come of free trade and that the only thing that can happen with any sort of free trade is bad. Why is that always the case? Free trade, in my opinion, is good, and the reason you're negotiating free trade with the other provinces is because it allows us not just to compete, but it allows us to excel.

1710

But not by way of Bill 146, which regulates and increases taxes. Within jurisdictions, if you're going to compete, what the private sector tells me is: "Just give me a chance to succeed. Get out of my face. Withdraw all this red tape, the paperwork and the taxes that are killing us." They're not saying to me, "I need special incentives to survive." They're not saying to me, "You've got to give me a tax break to sell my goods or I'm going to go out of business." They're saying, "Leave me alone, and if I win, I win, and if I lose, I lose," and that's the free market system.

So I say to the member for Oxford, who's still not listening, that if you introduced legislation that withdrew the incentive programs but at the same time reduced taxes on these corporations and businesses, by withdrawing the incentives and reducing taxes you'd allow opportunities out there for businesses to succeed or not succeed on their own free will. Today, we have artificially inflated industries because they're based on government handouts, and that simply won't work.

The restaurant industry petitions you because its taxes are too high, and the only way they think they can get around to making a buck is if they're allowed to write off on a business luncheon 80 cents out of every buck rather than 50 cents. That's how deprived our system has become in this province. The restaurant industry claims the only way people can stay in business is through tax breaks.

We've got to get back to a system where people stay in business because they're good in business, are providing a service that's wanted and needed and they're not taxed to death when they happen to make a few dollars.

At the end of the day, what does Bill 146 do? If these people survive in business, you say there's a minimum corporate tax. Truly, that's insulting. That's insulting to anybody who runs or operates a business in this province.

If at the end of this recession, if at the end of this day, we have fought our way through this recession and have made some kind of profit, we've continued to employ people, we've continued to pay the taxes you're asking us to pay, which we think are onerous, we've continued to reinvest in this country, in this province, we've continued to provide research and development, and if at the end of that day we happen to make a few dollars, you don't like how much money we've paid in taxes, although we've lived within the letter of the law. "We want you to pay more."

What kind of tax policy is that? The argument you get is, "Well, they do it in the United States." So what? Practically nothing they do in the United States do you agree with, until it happens that a tax policy correlates to them. It's absolutely hypocritical.

Hon Richard Allen (Minister without Portfolio in Economic Development and Trade): Your imagination is out of control, Chris.

Mr Stockwell: Well, I don't think so. You know why? Because the people I speak to are telling me these kinds of things. The people I'm speaking to are telling me that they're not looking for tax incentives, they're looking for tax relief. Tax relief means drop the—

Mr Mammoliti: Who were you talking to?

Mr Stockwell: The member for Yorkview asks who I talk to. If your business community isn't telling you that they're overtaxed, overregulated, overburdened by government, then your community is the only community in all of Ontario that thinks that way. Your community is the only one that's saying: "Taxes are fair. In fact, I enjoy paying them. I think we should have a party for the government." Your community's the only one saying that if they're not telling you taxes are too high. I think that's the only community, unless there are a few others over there dumb enough to believe they actually are happy to pay the amount of taxes they're paying.

When we introduce these tax bills, you're just driving—

Mr Perruzza: On a point of order, Mr Speaker: I don't believe there's a quorum present.

The Deputy Speaker: Would you please check if there is a quorum.

Clerk Assistant and Clerk of Committees: A quorum is present, Speaker.

The Deputy Speaker: The member for Etobicoke West.

Mr Stockwell: To the member for Downsview, 20 is a high number, and it's tough to get that high when you're counting quorum. Next time you're going to call quorum, maybe you should talk to somebody and maybe you can add them up together.

Mr Bernard Grandmaitre (Ottawa East): He only has 10 fingers.

Mr Stockwell: Well, if he talks to the member for

Guelph, he sometimes has his shoes off. Maybe they can count together. They'll get to 20.

The point I was making to the member for Yorkview was simply that I don't know of too many businesses out there that are saying the tax policy in this province and this country is fair. Furthermore, the deficits we're running up, in fact overspending what we're collecting, make it worse.

The points I want to make are on the record; I want to make a couple of points in terms of the history of this party and where it stood with respect to the minimum corporate tax. I want to make the point that they said they were going to raise \$1 billion, and now they're only going to raise \$100 million. The corporate élite, they found out, doesn't exist.

Minimum corporate taxes are wrong, because the only thing that companies are doing is living within the tax laws that are in place. If you don't think those tax laws are fair, change them. But what you're going to have to do to change them to generate more revenue is withdraw your tax deductions for R&D, for expansion, for building equipment and so on. Those are the kinds of things that would generate more revenue, but I don't think that would be a good idea at this time.

As far as the restaurant association is concerned, they're still holding on by their fingers. Taking this away from them will not help unless you're going to drop taxes at the same time. You've not done that. You've simply taken away one of the programs that allowed them to stay in business but you're going to maintain those onerous, high taxes on that industry. You're not going to assist them in any way, shape or form.

Finally, our party's position, as proposed in the document the Minister of Agriculture is so fond of, is very clear: You've got to withdraw those incentives that are specific sector-driven incentives, that only provide incentives in certain sectors and not in others. They must be withdrawn. Taxes must be dropped and made more competitive, and we've got to go about doing that in a fair manner.

Fair tax policy, in my opinion, treats every Ontarian the same way. Whether you're buying your first house or your fourth house, it matters not. You should be treated fairly, the same, and that's fair tax policy. We have a hodgepodge of unfair, restrictive tax policies that are doing nothing to enhance business and doing everything to close it down.

The Deputy Speaker: Any questions or comments?

Hon Mr Buchanan: I'm happy to take a moment to respond to the member. I really appreciated his reading out of the Agenda for People. I wish he'd continued on.

In the first number of items he talked about when he read out our program in 1990, he mentioned employment equity, pay equity, the Environmental Bill of Rights, the minimum corporate tax, and if he'd turned the page, he would have seen on the other page the financial support for farmers. We've implemented all those things and we're very proud of that, so he should look further into the Agenda for People. We still have another year to go and we intend to implement more of that.

Then he talks about taxation policy. I think he needs to dig a little deeper into this subject. He talked about other jurisdictions. I'd be happy to sit down with the member and go through the facts on Michigan and New York, which are our major competitors for investment from big business. We are very competitive. We're one of the most competitive in the area. I'd be very pleased to sit down and show him those figures.

The other point we need to take into account is that his party, his new party, has put out a document which talks about a revolution and talks a lot about taxes. We have tried to implement a minimum corporate tax which we think is fair, that every corporation pays some tax. They've put forward a provincial tax cut of 30%, which everybody would love, but then it goes on to say that they're going to cut spending by \$6 billion and eliminate the deficit. It makes absolutely no sense. It doesn't add up. It doesn't matter how you add it up, it doesn't work.

There's no way this party has any credibility when it comes to taxation. They shouldn't be talking about our policies, which are intended to be fair to all people and to business.

1720

Mr James J. Bradley (St Catharines): I always find the member's statements and questions and his speeches so interesting. I really wondered why he hadn't proposed an amendment that would designate any of the funds that would be generated from this for such worthy projects as the Hotel Dieu Hospital in St Catharines.

You would know this very well, Mr Speaker. In your area, there are hospitals that are of some significance. A tax of this kind, if the member had been prepared to suggest that the money from this tax would save the Hotel Dieu Hospital so they wouldn't have to cut all that staff, so they would have the appropriate equipment, so this proposal that some consulting firm had proposed would not be implemented, I think that would be a much more supportable tax than it is now. I know you would probably agree with that because you have similar circumstances.

Or if the tax, because it is a corporate minimum tax, could be seen to assist in the cleanup of Martindale Pond, which is a rowing course in St Catharines, that as well would be significant. But it does not get tied to this. This is simply a tax that if you took the money in, all the government would do is use it for general purposes, and not see, necessarily, the virtue of cleaning up the Henley course so we could have world championship rowing there and, at the same time, have a situation where the environment would be protected.

I'm sure you would agree, as I know all members of the House would agree, that if this could be tied to those kinds of specific projects, which are so important to some communities, it would be a tax which—well, we wouldn't cheer about it, but certainly we would find it much more acceptable. I know it was simply time limitations that prevented the member for Etobicoke West from referring to Hotel Dieu Hospital in St Catharines and the cleanup of the Henley rowing course.

Mr Stockwell: You're right.

Mr David Johnson: I'm a bit surprised that the member for St Catharines didn't refer to the dedication of the tire tax to recycling research on tires, or the dedication of the commercial concentration tax to transportation matters in the province of Ontario.

The Minister of Agriculture has indicated that Michigan and New York, specifically, have a lower tax structure than the province of Ontario. I think that's what he said, although I see him shaking his head. Oh, he said a higher tax structure. Yet I have a report from the Canadian Federation of Independent Business, which just by good luck I happen to have with me.

They have analysed not just a selective tax, as the member for Etobicoke West has said, but they've analysed the payroll taxes, local taxes, income and capital taxes, commodity taxes. They've analysed all the taxes and what they have found is that Ontario is the highest-taxed jurisdiction, including the following jurisdictions: the province of Quebec, Michigan, New Jersey, New York, Pennsylvania—our nearby competitors.

They have found that when you consider all the taxes, Ontario is higher. If Ontario is considered as 100%, New York, for example, would be about 90%, so about 10% less total taxation in the state of New York.

The Minister of Agriculture says no. The Canadian Federation of Independent Business—and I know the member for Downsview doesn't like the private sector, so he'd pooh-pooh that—has done a study and they say yes, that Ontario is higher taxed when you look at all the taxes.

That's what the member for Etobicoke West was saying. Look at all the taxes: the corporate minimum tax, every other tax. Ontario is a highly taxed area and we're more highly taxed than our nearby competitors.

Mr Paul Klopp (Huron): It's interesting. It seems the Minister of Agriculture must have given these remarks and not the member we were commenting on.

Very clearly, this has been a shell game. The member selectively said what the taxes are, and then his colleague tried to back it up with what Elmer talked about. Clearly, in the states he just talked about, the payroll taxes are not in that graph he shows.

Mr Stockwell: Yes, they are.

Mr Klopp: No, they're not, from what I understand. Also, I'd like to talk about real people. Let's talk about the people in my riding, because that's what it really comes down to. All these big numbers, most of us don't really care.

A friend of mine, a teacher, talks about people in New York. You know, we complain about our tax structure. He says, "My father-in-law is a retired teacher in New York state, and he makes \$15,000 a year on his pension." His son-in-law is a teacher in Canada here, and when he retires he'll have considerably more. But the point is that in New York state to have an insurance policy equivalent to our OHIP, he pays \$5,000 a year out of a pension of \$15,000. What do we pay here? Well, we pay it through our tax system, and people need to be reminded of that.

He talks about the minimum corporate tax. There's a balance here. By having a minimum corporate tax, we're

able to drop things like the tire tax so people can have money in their pocket.

As to the GST that they talk about federally, I remember when we first got here they said, "You should tie the provincial tax with the GST," and we said no. Many people said, "Oh, it's just because you don't like the Tories." Well, that's a good enough reason, I must admit, but there was another reason. It was going to take another half a billion dollars out of the people of Ontario. That's half a billion that allows them to buy things in the free enterprise system, which we surely want to work together with.

The Deputy Speaker: The member for Etobicoke West, you have two minutes.

Mr Stockwell: To the member for Huron, your analysis is probably statistically correct one out of a million times. I'll take that for what it's worth, because nobody wants to deal with big numbers. You're probably right: They're too big and you can twist numbers when they're really big. We'll have a little debate after, I suppose, and talk about big and anecdotal information and maybe your uncle or cousin and how they're doing in New York.

Further, I'm sorry the member for Downsview didn't get up. He's an insightful guy. He probably could have helped out Mr Huron there.

The Minister of Agriculture cited exactly what I expected him to cite. He tries to mix the equation up and talk about this tax exclusively or this other tax exclusively. You can't do it. Businesses, when they look to locate, look at all the taxes. This is about the 30th in a long line of studies. When they compare jurisdiction taxes, all the taxes, I say to the Minister of Agriculture, we are at the bottom. Although your friend from Huron doesn't like big numbers, they get big in this. We are last out of those competing jurisdictions.

If you want to sit down and have a cup of coffee and go over this, maybe I can help you out. You can go back to cabinet and explain it to them. Because somebody's got to explain it to you: We're last. When the Premier stands in his place at a public meeting and a debate and just fabricates that kind of stuff, like we're the third-best, he does no service to the people of the province; he only kids them along.

When the people who want to make investments measure our tax situation, they decide not to invest here. The Premier doesn't tell the truth on why they don't want to invest here. He leaves them with a very distinctly different impression than the accurate impression. Again, the member for Oxford did the very same thing not seconds ago.

As far as I'm concerned, I'd like to thank the member for York East who brought forward this information. The member for St Catharines I forgot; I didn't have enough time. Next time, of course, I will mention those things to the member opposite and the minister, who isn't here. Thank you for the time. It's not going to work, the minimum corporate tax is not going to work, because it's just simply people following the rules and you're not letting them.

The Deputy Speaker: Any further debate? If not, the parliamentary assistant.

Mr Sutherland: Just in concluding the debate, I want to thank those members who participated. I do think the rebuttal by the Minister of Agriculture and Food was quite appropriate. The member for Etobicoke West highlighted the Agenda for People. Yes, he's quite right that some of the things we've done haven't been implemented exactly as they were put out in the Agenda for People.

But when you look at the track record on the Environmental Bill of Rights, on employment equity, on pay equity, on non-profit housing, on expanding child care, on assistance for farmers, and the list goes on and on, given the very difficult economic times that we've been in, I think the public of Ontario would say that we've done a fairly good job of working towards our commitments as outlined in 1990.

The corporate minimum tax is about fairness in taxation. One member said that he thought it was inconsistent for tax incentives to promote certain types of research and development and to have a corporate minimum tax. The tax incentives are there to provide a specific purpose and to encourage activity in a specific area. But the point of it is not so you can, on an ongoing basis, avoid paying any corporate tax. That's what the corporate minimum tax is all about: a question of fairness. I think that's a good thing.

I don't have the CFIB study right handy with me, but he talked about comparing all taxes. Of course, we know in the United States health care is not considered a tax. Health care is a separate cost. When we did our consultations on the underground economy, I remember the Institute of Chartered Accountants of Ontario, I believe it was, came forward and basically said, "If you include health care in there, which is a tax here but not in the States, if you compare the cost, though, associated with that, the tax levels are very similar in terms of the cost to the business." People need to keep that in mind, that when we're talking about tax comparisons with US jurisdictions, health care is not a tax. It's still in many cases a cost to business, and a very expensive cost to those businesses.

Even with the implementation of the corporate minimum tax, our corporate tax structure in Ontario is not going to be out of line with our many comparative jurisdictions and neighbouring jurisdictions that we have to compete with for investment, even though we have had a substantial amount of investment in this province during this government: \$4 billion in the auto sector alone since 1990.

The Deputy Speaker: Mr Laughren has moved third reading of Bill 146, An Act to amend the Corporations Tax Act. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Take your seats. I would call the members, and I'd like to remind you that by prior agreement, we'll be voting on

Bills 110, 138 and 146. Call in the members. It will be a 30-minute bell.

The division bells rang from 1731 to 1801.

The Deputy Speaker: Order. We will be voting on three bills separately, Bill 110, Bill 138 and Bill 146. Between the votes the doors will be open for approximately a minute or two, to give a chance to any members who wish to leave to do so at that time.

EMPLOYER HEALTH TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI
SUR L'IMPÔT PRÉLEVÉ SUR LES EMPLOYEURS
RELATIF AUX SERVICES DE SANTÉ

The Deputy Speaker (Mr Gilles E. Morin): We are now voting on third reading of Bill 110, An Act to amend the Employer Health Tax Act and the Workers' Compensation Act.

All those in favour of the motion will please rise one at a time.

Ayes

Abel, Akande, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Churley, Cooke, Cooper, Coppen, Dadamo, Duignan, Fletcher, Frankford, Grier, Haack, Hampton, Hansen, Harrington, Haslam, Hayes, Huget, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Laughren, Lessard, MacKinnon, Malkowski, Mammoliti, Marchese, Martel, Martin, Mathysen, Mills, Murdock (Sudbury), O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Rizzo, Silipo, Sutherland, Swarbrick, Ward, Wark-Martyn, Waters, Wessinger, White, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wiseman, Wood, Ziemba.

The Deputy Speaker: All those opposed to the motion will please rise one at a time.

Nays

Bradley, Brown, Caplan, Carr, Cleary, Cousens, Crozier, Cunningham, Curling, Daigeler, Elston, Eves, Grandmaitre, Harnick, Harris, Hodgson, Jackson, Johnson (Don Mills), Jordan, Marland, McGuinty, McLean, Murdoch (Grey-Owen Sound), Murphy, Offer, O'Neill (Ottawa-Rideau), Phillips (Scarborough-Agincourt), Poirier, Poole, Ramsay, Ruprecht, Sterling, Stockwell, Sullivan, Turnbull, Villeneuve, Wilson (Simcoe West).

The Deputy Speaker: The ayes are 58; the nays are 37. I declare the motion carried.

RETAIL SALES TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI
SUR LA TAXE DE VENTE AU DÉTAIL

The Deputy Speaker (Mr Gilles E. Morin): We are now voting on third reading of Bill 138, An Act to amend the Retail Sales Tax Act.

All those in favour of the motion will please rise one at a time.

Ayes

Abel, Akande, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Churley, Cooke, Cooper, Coppen, Dadamo, Duignan, Fletcher, Frankford, Grier, Hampton, Hansen, Harrington, Haslam, Hayes, Huget, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Laughren, Lessard, MacKinnon, Malkowski, Mammoliti,

Marchese, Martel, Martin, Mathysen, Mills, Murdock (Sudbury), O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Rizzo, Silipo, Sutherland, Swarbrick, Ward, Wark-Martyn, Waters, Wessenger, White, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winger, Wiseman, Wood, Ziemba.

The Deputy Speaker: All those opposed to the motion will please rise one at a time.

Nays

Bradley, Brown, Caplan, Carr, Cleary, Cousens, Crozier, Cunningham, Curling, Daigeler, Elston, Eves, Grandmaitre, Harnick, Harris, Hodgson, Jackson, Johnson (Don Mills), Jordan, Marland, McGuinty, McLean, Murdoch (Grey-Owen Sound), Murphy, Offer, O'Neill

(Ottawa-Rideau), Phillips (Scarborough-Agincourt), Poirier, Poole, Ramsay, Ruprecht, Sterling, Stockwell, Sullivan, Turnbull, Villeneuve, Wilson (Simcoe West).

The Deputy Speaker: The ayes are 57; the nays are 37. I declare the motion carried.

CORPORATIONS TAX AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT LA LOI
SUR L'IMPOSITION DES CORPORATIONS

The Deputy Speaker (Mr Gilles E. Morin): We are now voting on the third reading of Bill 146, An Act to amend the Corporations Tax Act. Same vote?

The ayes are 57; the nays are 37. I declare the motion carried.

Report continues in volume B.

**LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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		Halton Centre/-Centre	Sullivan, Barbara (L)
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Bruce	Jackson, Cameron (PC)		
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Troisième session, 35^e législature

Official Report of Debates (Hansard)

Wednesday 15 June 1994

Journal des débats (Hansard)

Mercredi 15 juin 1994

Speaker
Honourable David Warner

Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 15 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 15 juin 1994

Report continued from volume A.

1810

Hon Brian A. Charlton (Government House Leader): Mr Speaker, I call the next order, the next order, will be the 42nd order, and I believe the House leaders have reached an agreement that when the debate on second reading of Bill 161 is completed, we will deem that there has been a division and the vote will be deferred until tomorrow after routine proceedings.

The Deputy Speaker (Mr Gilles E. Morin): Is that agreed? Agreed.

REVENUE AND LIQUOR LICENCE STATUTE LAW AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT DIVERSES LOIS FISCALES ET LA LOI SUR LES PERMIS D'ALCOOL

Mr Sutherland, on behalf of Mr Laughren, moved second reading of the following bill:

Bill 161, An Act to amend various Taxation Statutes administered by the Minister of Finance and to amend the Liquor Licence Act / Projet de loi 161, Loi modifiant diverses lois fiscales appliquées par le ministre des Finances et modifiant la Loi sur les permis d'alcool.

Mr Kimble Sutherland (Oxford): This bill includes three items aimed at encouraging taxpayers to pay their fair share and making Ontario's tax legislation consistent with other jurisdictions.

First, it puts into effect proposals contained in the May 19, 1993, budget, proposals that will improve the enforcement of and compliance with taxation statutes. These proposals include standardized penalties for late-filed returns and non-payment, daily compound interest on tax owing and refunds, and registered liens on real and personal property of taxpayers who are in arrears of payment.

The bill also deals with the tobacco smuggling issue. As you are aware, Mr Speaker, federal and Quebec governments reduced tobacco tax. This government made a similar decision in February to announce a reduction in the Ontario tax rate on tobacco products. This new rate has resulted in a tax decrease of \$9.60 for a carton of 200 cigarettes. The bill includes provisions to refund retailers and wholesalers for the tax reduction on inventory purchased at the old rate. The refund program is already under way.

This government has been working to combat the smuggling of both tobacco and alcohol. Bill 161 will increase fines and penalties for tobacco and liquor offences. It will provide the authority to search and detain vehicles suspected of carrying illegal alcohol and will extend the authority for a search to private vehicles suspected of carrying illegal tobacco.

Under the Tobacco Tax Act, anyone found in pos-

session of five or more cartons of unmarked cigarettes would be guilty of an offence and, on conviction, subject to a fine of up to \$10,000 plus \$60 for each carton of unmarked cigarettes. In addition, on conviction of unauthorized possession of 50 or more cartons the court may impose a jail term of up to two years.

Amendments to the Liquor Licence Act will create a new offence for the possession of illegal liquor, and increases maximum penalties. Penalties for a conviction of an offence will increase to \$100,000 from \$25,000 for individuals and to \$250,000—I repeat that—\$250,000 from \$100,000 for corporations. An additional fine of not more than \$100 per litre is imposed where a person is convicted of possessing illegal liquor. These Liquor Licence Act amendments now parallel the forfeiture provisions under the Tobacco Tax Act.

Also included in the Liquor Licence Act is an amendment that will require holders of liquor licences, for example, restaurants, taverns and bars, to comply with the Retail Sales Tax Act before licence renewal or transfer is completed. Arrangements for payment of any tax owing can be made in consultation with staff of the Ministry of Finance.

In the area of the fuel tax administration, last year's budget announced an amendment to the Fuel Tax Act to cancel the tax refund on clear fuel for off-road unlicensed use. In order to allow municipalities and commercial transport companies to install the proper equipment related to this change, we extended the refund deadline from July 1, 1993, to October 1, 1993.

In March 1994 the Minister of Finance announced Ontario's intention to join the international fuel tax agreement, IFTA, effective January 1996. Joining IFTA will improve the competition position of Ontario-based carriers, improve compliance from non-Ontario carriers and reduce the administrative burden on Ontario carriers by providing a consistent set of rules for all carriers.

As with every new program, there are startup and implementation costs. To fund the startup and maintenance costs associated with IFTA, a \$10 fee will be charged for the vehicle registration decals used by interjurisdictional carriers. This fee will be effective with the registration year starting July 1, 1994.

Ontario truckers have voiced their opinions and are very optimistic about this initiative. The Ontario Trucking Association and ComCar, two prominent trucking associations, fully support our involvement with IFTA and the decal fee and have offered assistance to implement the program here in Ontario. These responses show very clearly that this government is building partnerships with industries and working towards investments in our province.

This bill is really about two things. It's about trying to

deal with some of the major issues related to the underground economy, because we certainly know that cigarettes and alcohol were some of the major vehicles of the underground economy, and they were establishing routes for other products to come in. So in terms of some of the things we've done with cigarettes and alcohol, that will help curb some of the underground economy activity.

We also are dealing with the question of possession of illegal alcohol. We've certainly heard and seen reports about illegal alcohol being sold, particularly in some after-hours bars, which are illegal activities anyway, but some of them have been selling illegal alcohol. Besides not paying taxes, we also know, from some of the work that the Liquor Control Board of Ontario has done, about how this is a threat to public health and how some of this illegal alcohol is contained in some very dangerous containers, containers that have had antifreeze in them before, and all kinds of other things. Poisons have been detected in some of this alcohol that has been tested.

Joining the international fuel tax agreement has just got to be one of the best things that could be done. I know that I've had different truckers into my office. They bring in their different books for recording their different taxes in different jurisdictions, and it's quite ominous, actually, the amount of paperwork. Whatever we can do and this government is doing to support and reduce that amount of paperwork for truckers, reducing red tape—we know the third party talks about it—this is a clear example of the government moving in that direction to reduce some of the red tape and paperwork associated with truckers.

I'm very confident that most members of the House will be supportive of this bill because it deals with issues that many members from all sides have had concerns about, have expressed their opinions of and, of course, we had public hearings on the issue of the underground economy and some of the things that we needed to do.

The Deputy Speaker (Mr Gilles E. Morin): Questions or comments? Further debate.

Mrs Elinor Caplan (Orléans): I'm rising as the revenue critic to lead the discussion from the opposition perspective to Bill 161. As I hold the bill before me, I don't know if those who are watching can actually see what a thick piece of legislation this is. The title of it is An Act to amend various Taxation Statutes administered by the Minister of Finance and to amend the Liquor Licence Act.

We've seen many pieces of omnibus legislation in this House before, and I think you can make a case for omnibus legislation if it is all primarily housekeeping. Housekeeping would be the kinds of amendments which really did not have a major impact or policy decision but were the kinds of things that the parliamentary assistant referred to: consistency, bringing things into line with other jurisdictions, that sort of thing.

1820

However, Bill 161, while it does a few of those housekeeping kinds of things, has some very substantive policy initiatives in it as well. When I hear the parliamentary assistant refer to Bill 161 as the government's response to the underground economy, it really does

leave me no choice but to stand up and criticize this bill and say that it does not and will not respond appropriately to the issues of the underground economy.

I was on the legislative committee when we had hearings on the underground economy. What we know is that democracy is about the public's willingness to be governed. Democracy is about consent of the public when they believe that governments are acting in the public interest. That's why taxation policies and economic policies become so very, very important.

We have a situation in Ontario today where too much of the public is refusing to be governed by this government, which has systematically taken away the confidence of the people. We've seen, as a result, too many people actively participating and bragging about their participation in the underground economy.

I personally have had this experience and I've had people boast to me that they believe that participation in the underground economy is absolutely okay, absolutely appropriate because Bob Rae's policies do not reflect the public interest, because Bob Rae's taxation policies have led to Ontarians feeling overtaxed, taxed out.

Another reason that I think we see participation in the underground economy is because people are feeling insecure. We know from research that is being done that they fear they may lose their jobs. In that environment of insecurity, people will often attempt to save every nickel they can so that it will help them feel more secure.

I look at Bill 161 and I say, is there anything here that's going to give consumers greater confidence? The answer is no. Is there anything in Bill 161 that is going to encourage the public in a positive way or build incentives for the public to believe that to participate in the mainstream of the province and to cease and desist participation in the underground economy is a better behaviour than what we've seen? The answer is no.

I don't believe that Bill 161 has any of the appropriate public policy responses or carrots or incentives to convince the public that they should be paying their fair share of taxes in order to support the services. I think that people in this province feel generally that government is wasteful, inefficient, that the services it delivers are not delivered in a manner which is convenient, accessible, sensitive to the needs of the people of the province who are attempting to access those services.

Because of that and because of the fact that the NDP government has taxed people during one of the most difficult economic times in this province—and it taxed them so much that people are feeling they have no recourse, no way of letting the government know how upset they are except to go beyond what is the traditionally acceptable tax avoidance and into participation in the underground economy, which is clearly tax evasion—this saddens me, because when I hear the parliamentary assistant say, "Bill 161 is our response to that," Bill 161 is not going to respond to those issues.

Bill 161 has a lot of sticks in it. It has enforcements and mechanisms and measures, it has fines. What was very interesting in the deliberations of the committee and what other experts in human behaviour whom I've

spoken to on these matters say is that enforcement, fines, policing in matters of human behaviour, particularly in matters of public participation when it comes to paying taxes, simply does not work.

People will put their energies into finding ways to avoid, to resist, and the heavier the fines, the more enforcement that you bring into force through legislation, the greater will be the revolt and the resistance of the very people that you're trying to convince that these fiscal policies are in the public interest and are in fact good for them.

That doesn't mean there isn't a role for enforcement. There is. But as a response to the psychology of those participating in the underground economy, enforcement is the wrong response. So I would say to the minister and to the government, you just don't get. Bill 161 does not give people the right message. It is not an appropriate response to the participation in the underground economy, nor is it going to deal with the issues of people just feeling overtaxed and not getting value for money for the services that they are paying for through their taxes.

I'm not going to spend a lot of time going over and over that same ground. I think it's worth stating, it's important for it to be on the record. The parliamentary assistant has said Bill 161 is the government's response to the problems of the underground economy. I disagree with the approach of the government, and I therefore criticize Bill 161. It is an inappropriate and ineffective response to a very serious problem in our society.

There are some aspects of Bill 161 which I believe are supportable and, as I mentioned, the housekeeping items of Bill 161 I have no problem with. There are some other aspects of Bill 161 which I think people will look at and say, "Oh, hmm, we like that." For example, the bill reduces the income tax rate for manufacturing and processing, mining and farming, logging and fishing income from 14.5% to 13.5%. That's a 1% reduction.

Mr Sutherland: That's the wrong bill.

Mrs Caplan: That's the wrong bill? No, I don't think so. I think that's in Bill 161.

Mr Sutherland: That's the previous bill.

Mrs Caplan: I apologize. Because we're dealing with a number of tax bills all at once, I thought that was included.

Mr Sutherland: That's all right.

Mrs Caplan: I thank the parliamentary assistant. If it were in here, it would be a good thing. The fact that it's not in here means I have less good things to say about this bill than I thought I did, so I do apologize if that's not here. Is that a good recovery? Thanks very much.

The fuel tax response: The fact that you're participating in the international fuel tax agreement I think is relatively positive, but I don't think it's going to send as positive a signal as the parliamentary assistant has said. I think that it's on balance okay. We'll have to see how that plays out and what the effects of that are. I have no objections to that.

The gasoline tax provisions in here: Again, there are more fines for tax collectors who do not respond with tax provisions, and there are a number of measures in Bill

161 which I would argue are complex and the kinds of bits of pieces of information that people may or may not need to know.

There is one feature in Bill 161 that I think is worth mentioning and pointing out, and one that I wish the government would reconsider before third reading. I doubt that they will, but there is an opportunity to think about it.

One of the ways that we measure economic activity in the province of Ontario is by housing starts, and the program which encourages new home ownership, the Ontario home ownership program, I believe there are amendments to that contained in this legislation. Again, that's in the other bill that we dealt with. All right.

1830

Mr David Johnson (Don Mills): That's in there.

Mrs Caplan: I believe that's in here, the land transfer tax provisions.

Interjection.

Mrs Caplan: That's correct. In this act amendments in this section increase existing fines that are related to the failure to pay land transfer tax. It also ends the rebate for land transfer taxes for first-time home buyers under the Ontario home ownership program.

I want to explain what that means, because I think that this is a significant public policy initiative and one that is—I won't use the word "hidden," because I don't think that it was put in here nefariously, I think it was just lumped together with a bunch of seemingly other housekeeping items—but in fact in the 1994 budget the NDP government extended the assistance eligible for initial home purchasers indefinitely. However, the Finance minister did not extend that part of the Ontario home ownership program which gave buyers back their land transfer tax on the home purchase. Only those people who opened an OHOSP before January 1, 1994, will be eligible for the land transfer tax rebate.

That's actually quite significant. The rebate on the land transfer tax was an incentive to first-time home purchasers to go out and buy a home and, as I said, in Ontario one of the things that we do as we review our economic activity, wealth creation, prosperity and so forth is to monitor housing starts and also, particularly, purchases for new home buyers.

Public policies which have encouraged first-time buyers to purchase have always been considered a positive public policy initiative, and I was very disappointed to see Bill 161 ended that incentive for first-time home buyers as part of the Ontario home ownership program after January 1, 1994. I believe that that is regressive and is one of the reasons I really believe that Bill 161 should not be supported.

There are a number of other provisions that deal with law enforcement, when we have seen the government's response to smuggling. I would like to make a couple of points on that.

First of all, in regard to the Liquor Licence Act, there's an amendment here that gives law enforcement officials additional powers to search vehicles without warrants for illegal alcohol. Now, I know that it's important for the

provincial officials to be working with the federal officials and I know that the ability to search is extremely important, but I have to tell you I am, as a small-l liberal, concerned about giving powers without warrants.

I really do worry about intrusion and invasion of privacy of individuals who are law-abiding citizens, and the thought that you can be stopped in this province and your car can be searched without a warrant, simply on the suspicion of any law enforcement officer that you might have illegal alcohol in the car, without any evidence, suggests to me that we've gone too far, possibly in the kinds of sticks of law enforcement, that we are intruding on an individual's right to be able to drive their car.

I have no problem, let me say, with customs officers at border crossings, or where you have evidence or suspicion of illegal activity, but I am always concerned about giving these kinds of powers to law enforcement officials too easily. I want to go on the record and express my concern that there is potential for abuse of this particular power, although I think we all recognize that we would like to end illegal smuggling. Actually, all smuggling is illegal. We would like to end smuggling and illegal activity.

We know that smuggling brings in not only illegal products such as alcohol, and tobacco—less now. I think the federal initiative has been very successful in ending cigarette smuggling, and that was the big trade; we knew the big smuggling trade was in illegal cigarettes. But along with cigarettes and alcohol were also coming guns, and we know that along with guns comes organized crime and criminal activity and that that really does threaten the safety and security of individuals and communities. So I have been very supportive of ending smuggling activity and very supportive of initiatives that would make our communities safer places.

I very much support tough gun control. I very much support a ban on the sale of ammunition to anyone who does not have an appropriate gun licence or an Outdoors Card, something that would be a positive step forward that this government could do. There is a bill before this House that would enact that provision, and I support that unequivocally.

However, you have to look at carrots and sticks, incentives and disincentives, and if the only thing you're doing is giving powers of search and seizure to the police, perhaps we are missing the opportunity to also find incentives that would be equally as positive and not as intrusive. So I want to express some concerns about the warrants without evidence, or the unnecessary requirement for warrants and ability to search without evidence.

I wanted to make some comment, particularly given the previous positions I've held in government as former minister—and I know how difficult it was for the government to deal with the tobacco act changes. I must admit I was torn, because I very much believe we must have a strong anti-tobacco strategy, that we must do everything we can to keep cigarettes hard to purchase, particularly for young people, and I have been very supportive of the kinds of strategies that would lead to smoking cessation and prevention even before smoking begins.

However, while I believe that the tobacco tax reduction was not good health policy, I do believe it was healthy public policy, because we know that along with smuggled cigarettes came smuggled guns and organized crime. I don't think we should underestimate in any way that negative impact on our society.

While I understand the chagrin of the anti-smoking and the anti-tobacco activists, I share their goals and hope we will see the kind of society that will again lead the world in the kinds of policies that will encourage people not to smoke, and encourage those who do smoke to stop smoking, that will inhibit access to tobacco and to cigarettes.

The reality is that the availability of smuggled tobacco and smuggled cigarettes is making all of those anti-tobacco and anti-smoking strategies useless, because people had access readily on the streets of Ontario, in Toronto particularly, to cheap, illegal, smuggled, underground economy cigarettes. With that reality, I believe the government had to take action to stop that easy supply of underground cigarettes. I believe, as I said, that it was good public policy and healthy public policy, because our first health goal is safe and secure communities, and increased criminal activity, increased guns, increased violence, which all come with smuggling activity, does not lead us to a healthy society.

1840

I do hope we will soon see the same kinds of important and healthy public policies, smoking cessation and taxation policies, south of the border. We've seen some very good initiatives from the Clinton administration, which are beginning to increase tobacco taxes.

I say to the people of Ontario, you will soon see your tobacco taxes increase, and from a healthy public policy point of view that is appropriate, because we know from the Addiction Research Foundation and others, from researchers, that there is a direct correlation between the level of taxation and the rate of smoking, particularly among young people; that the lower the taxes, the more people have access to cigarettes, and the higher the taxes, it is definitely a disincentive to purchase.

That must be gradual, and there's a message to us in Ontario: We can't be too far out of whack or we then end up with both smuggling and underground economy activity, and that's because consumers in Ontario are going to look and say, "Where can I get the product I want for the best price?" We have to be sensitive and responsive to those kinds of issues as well when we are setting fiscal and economic policy.

I'm not going to go on about that any further, but I did want to be on the record about that, and therefore the provisions in Bill 161 that deal with the tobacco tax I think are significant.

There's one thing I would like to mention that I'm very critical of. It's my understanding, and I think my colleague may speak further to this, that in fact the government has not been fair. We hear a lot about "fairness in how we treat people" coming from Bob Rae and the NDP ministers: "This is fair" and "That's fair." They've actually not treated the small vendor fairly. They

have offered rebates for cigarettes on the shelf, where the tax has been paid, to large retailers who have large stock, but it's my understanding, and I stand to be corrected, that for the smaller retailers who have a smaller supply the government is not offering a rebate.

It's my understanding that the federal government offered the rebate, that the provincial government has not, and that there's quite a bit of anxiety over how retailers are being treated. I would ask the parliamentary assistant to check that out and to ensure that any retailer who has paid the tax on tobacco should be eligible for a rebate of the taxes paid. That is just fair. Since the customer is not going to be paying the taxes any longer, the retailer who bought them in good faith and paid the taxes should not get stuck.

I heard there was a 5,000-carton limit on the rebate. I hope that is not true, or, if it is, that you will amend the legislation so that all retailers who have stock and have paid the tax will get the rebate from the provincial treasury now that the tax has been lowered.

Madam Speaker, the last point I'd like to make on this is that this is a very comprehensive, very complex piece of legislation that has many, many sections. As I look through it, I want to tell you exactly how many sections are here. There are actually 39 sections of the bill. We frequently see pieces of legislation that have many sections, that are very large. I don't object to the number of sections. What I do object to is the number of issues and the number of different pieces of legislation. I think it's very hard for people watching this debate to understand all the things that are changing.

My advice to the parliamentary assistant and to the government is that if you want to bring in omnibus legislation, make sure it is only housekeeping, not substantive policy issues. If there is a policy issue that is substantive, the public has a right to see a full debate, hear the discussion in the House and not be confused by the fact that it is a part of another piece of legislation, so that it says "An act to amend various Taxation Statutes...." As you single out "to amend the Liquor Licence Act," people would assume that the primary component of this bill is the Liquor Licence Act. Anybody looking up the statutes of Ontario would say, "Gee, this must be about the Liquor Licence Act," when in fact from the title it's not clear about what is in this bill.

That's about all I have to say on Bill 161. I want to thank you, Madam Speaker, for the opportunity to participate in today's debate and offer my advice and suggestions to the parliamentary assistant, and hope he'll respond to some of the issues I've raised.

The Acting Speaker (Ms Margaret H. Harrington): I thank the member from Oriole for her participation in second reading on Bill 161. Are there any questions or comments to the member?

Mr Sutherland: Let me say to the member for Oriole that I too have had challenges keeping all my notes straight today on four different bills. It is a lot of us having to deal with it.

The member for Oriole has raised a lot of points and detailed discussion of the bill. I didn't wish to leave the

impression that this is our only response to the underground economy, and I may have left that in my opening remarks. If I did so I apologize. This is part of the response to the underground economy in terms of what we can do from the finance perspective, obviously, the work of the Solicitor General's ministry and other ministries. It should not be taken as the total response.

The member laments the fact that we took the land transfer tax refund off the OHOSP. I wish too that we could have kept it there, no doubt about it, but the member is also aware of the difficult financial situation the government is in, but we wanted to keep that incentive. I would remind her that in the last budget we did provide \$50 million for a housing loan guarantee fund, so there is a different initiative there as well, besides continuing the OHOSP initiative, plus another initiative to support home ownership.

With regard to the concern about the taxation and refund to retailers, I believe the member does have it wrong. It is the provincial government which is offering the refund. The feds did not offer the refunds for what was in place, at least as far as I'm aware, on inventory for retailers. There was no differential.

Mrs Caplan: Did you check that?

Mr Sutherland: Yes, I did check that, so that's my understanding.

As to the issue she raised about the searches, they still have to have reasonable and probable grounds, it's not just random searching, so it isn't a total free rein for the types of searches. Usually, if they've been monitoring for a while, then they'll maybe do it.

Mr Wayne Lessard (Windsor-Walkerville): I'd like to restrict my comments with respect to the amendments to the Liquor Licence Act. As many members will know, I represent the riding that includes Hiram Walker, which is the fifth-largest taxpayer in the city of Windsor. In fact my riding, Windsor-Walkerville, is named after that plant which was established by Hiram Walker back in the 1850s. Over the past few years the employment levels have decreased substantially. The sales of legitimate spirits from that plant, which produces only Canadian Club, have decreased substantially. One of the major reasons for that is because of smuggling of illegal spirits into the country.

It's simple for the member from Oriole to say, "I support tougher measures to reduce alcohol smuggling" and then talk about her concerns with respect to searching vehicles. I'd like to know what other suggestions she may have that we might be able to undertake that might address some of those concerns. Like the member for Oxford, I wish to point out that it isn't just a power to permit police to search vehicles they happen to see driving down the highway, any time they want, for whatever reason, which would raise the spectre of someone driving down the road in their car and being pulled over and their car searched for no reason.

The legislation requires that peace officers do have reasonable and probable grounds to believe that a vehicle contains evidence of a contravention of the Liquor Licence Act. There does need to be reasonable suspicion

before a vehicle can be searched, and most often we're talking about truckloads of illegal spirits, not a few bottles in the trunk of a car. I think this is a responsible measure by the government to try and reduce smuggling. 1850

Mr David Johnson: I was going to save my comments for my period to speak in a few moments, but the member for Windsor-Walkerville has indicated the difficulties he's faced with regard to Hiram Walker. If he were to consult with Hiram Walker on the underground economy—and this may have been the message the member for Oriole was trying to convey—when you talk about the underground economy, one of the problems that has to be faced is the high level of taxation in the province of Ontario, and that certainly encourages the underground economy. It puts in place the incentives for people to go underground, to deliver services, to sell products underground.

In the case of Hiram Walker, for example, I'm sure the sales are down, as the member for Windsor-Walkerville says, but my suspicion is that Hiram Walker participated in a study that was performed over the recent past which indicates that the high level of taxation is the main problem they face, as much as smuggling, or one is associated with the other: People are smuggling because of the high level of taxes. So rather than dealing with the smuggling directly, Hiram Walker would say, "Deal with the high level of taxation." We may have different opinions on that. We may say that's not the right way to do it, but that's what Hiram Walker would say, I'm sure.

If you take, for example, a 750-ml bottle of Canadian spirits, \$19.45 retail—that may be the price now—about 83% is in the form of either federal or provincial taxes and only about 17% or 18% would actually be the distiller's share in terms of the product. So there's the problem: 83% in provincial and federal taxes. That kind of puts your finger on the problem.

Ms Christel Haeck (St Catharines-Brock): As a member who represents a wine region, I wanted to remind the member for Oriole that obviously there's a lot of concern about enforcement among certain employers in my region. They look at bills like this and they do in fact feel there is strong reason to support it. I have heard from people in my area that they feel this kind of bill is warranted and they take heart that it is happening. I would lay that out for you to consider when you're making your remarks.

The Acting Speaker: Now the member for Oriole has two minutes to respond.

Mrs Caplan: I would like to say a little bit more about the concerns I have on search and seizure, and I've heard from members that enforcement measures are supported in some places. I also heard from the parliamentary assistant that in fact there had to be reasonable and probable cause. You asked for some suggestions. We know that most smuggling activity takes place at night. It would seem to me that it might be a reasonable restriction, if you were going to allow these kinds of warrants, that you exempted the individual personal automobile and that you said this was for trucks over and above a certain weight, and that it was also between 9 pm

and 9 am.

Those are the kinds of things will at least send out the signal that says: "We are not going to stop an individual in their car and search them without a warrant." This is an intrusion on personal and individual privacy, and as a person who has been a champion of individual human rights and civil rights of individuals, particularly when it comes to the kinds of issues we're dealing with right now with the intrusion of the state, I feel very uncomfortable with broad powers being given to police and enforcement agencies with as broad a definition as "reasonable and probable grounds."

I'd offer that advice and those suggestions for possible amendments so you could limit your period of time and also to the size of vehicle. I know you are trying to go after the big trucks that are coming through at night where you do have some experience with smuggling activity, and I'd like to see that stopped, but not at the expense of intrusion on individual freedom.

The Acting Speaker: Now, further debate?

Mr David Johnson: We are talking about Bill 161, which is entitled An Act to amend various Taxation Statutes administered by the Minister of Finance and to amend the Liquor Licence Act. This is really dull stuff, I have to say, and it is going to be tough to do an adequate job on this.

Mr Gordon Mills (Durham East): So give up and sit down.

Mr David Johnson: The member from Durham is already in agreement.

As the member for Oriole has already pointed out, it has some 39 different sections and pertains to a number of different areas, so I'll try to speak on a few of them and hope I won't put everybody to sleep.

Mr David Winninger (London South): Why should tonight be any different?

Mr David Johnson: Well, it may be more appropriate to go to sleep tonight.

The 1993 budget: We're talking about something brought to us by the Minister of Finance over a year ago. It is interesting to note, number one, that we are dealing here in 1994, about the middle of 1994, with tax measures and compliance measures that were instituted over a year ago. I don't know if that has always been the case in the province of Ontario, but coming from the municipal sphere, as I have, it's highly unusual for me.

Just off the top, there's something that probably nobody else would note or perhaps have a great deal of concern about in a number of the bills we've been dealing with today: Bill 110, the employer health tax; Bill 138, tax on the you-brews and provincial sales tax extension to home insurance, auto insurance, that sort of thing; the tax to institute the corporate minimum tax, and now we have this particular bill. There are a number of clauses contained within the bill that talk about enforcing tax collection. It's like the iron fist of government coming down on a taxpayer and either grabbing the taxpayer by the throat and wringing that last tax dollar out or coming down on the head of the taxpayer, if the taxpayer doesn't pay up. I just look, for example, under

the section that deals with the Gasoline Tax Act—it happens to be on page 14 of this act which has 60 pages to it, of very legalistic wording—and it says, “The minister may assess a penalty against any person who fails to collect tax that they are responsible to collect under this act or the regulations.” The regulations come later. The regulations describe in more detail what the act governs. I guess that sounds fair enough; everybody has to pay the taxes. But then it goes on, on the next page, and says what happens if you don’t pay your taxes.

What happens, again in the jargon, is that “Any tax payable or required to be remitted under this act”—and all the acts say this, by the way—“by any taxpayer is, upon registration by the minister in the proper land registry office of a notice claiming a lien and charge conferred by this section, a lien and charge on any interest the taxpayer liable to pay or remit the tax has in the real property described in the notice.”

If you cut through the red tape, what that means is that they’re going to take over your property. If you don’t pay your taxes, the long arm of the government comes out, takes a lien on your property and can take over your property.

1900

I suppose that’s no surprise to the taxpayers of Ontario. It describes the type of situation we have today where people are taxed up to here. As the parliamentary assistant has indicated, there is the situation of the underground economy, and by the underground economy, it means that people are simply not paying taxes.

Formerly, and perhaps still to some degree—I don’t know—if they purchased cigarettes, they purchased cigarettes under the table without the taxes being paid. In terms of liquor sales, I gather liquor now is being distilled or smuggled, and tax in many cases is not being paid on liquor.

But the underground economy goes beyond that. For example, the Ontario Home Builders’ Association has estimated that, I think, 41% of all home repairs are underground. In other words, if you want your kitchen renovated or your washroom renovated or something of that nature, then somebody perhaps will come up and say, “It’s so much if you pay cash and it’s so much if all the taxes are paid and you go through the regular routine,” and people are opting to pay cash and not pay taxes. On 41% of home renovations, taxes are not paid. That’s a worrisome figure.

What can we do to deal with that? The parliamentary assistant says: “We must deal with the underground economy. We must come down on this problem.” His approach is compliance. “We must force people to pay up.” I suppose people who are paying their fair share in taxes, as I’m sure everybody in this House does, would say that if somebody is not paying, then they ought to pay their taxes. You know, everybody ought to pay their taxes.

But it’s a symptom of the economy in the province of Ontario, and many people are not paying taxes, using the underground economy, for example, not because they have perhaps some devious plot to sock it to the rest of

Ontarians; they simply can’t afford to do it. There are so many people who are unemployed, so many people on part-time employment or they’re underemployed, their salaries have gone down and their taxes are still going up, and they’ve said, “I can’t afford this,” so they’ve gone underground.

Now what we’re doing, through this bill and through other bills, is saying: “Tough luck. The parliamentary assistant has spoken. Tough luck, and what you have to do is pay up.” It says right here on page 14 in this bill that the minister may assess a penalty against you if you fail to collect your taxes or pay your taxes, and it says right here on page 16 that if you continue to be a culprit and don’t pay your taxes, then the minister or somebody, I guess it’s the minister, will put a lien on your property and you might lose your property.

I think somehow the cart has got before the horse here, and perhaps it’s time to stand back and say, why are we having all these problems? Why are 41% of home renovations underground? Why are people smuggling cigarettes and smuggling booze and not paying tax? Is it for the sheer delight in frustrating the minister or frustrating the parliamentary assistant, or is it that we are overtaxed in the province of Ontario?

I would submit to you the reason is that we are overtaxed in Ontario. Rather than compliance measures, which is really what this bill is primarily about, compliance measures to force people to pay taxes, perhaps what we should be doing is looking at the structure of our tax system in Ontario. Perhaps if we had a reasonable level of taxation, then we wouldn’t have the kinds of difficulties that we have today in terms of collecting taxes.

It’s always been my view, certainly from my experience at the municipal level, that the vast majority of people are honest, law-abiding citizens and are sincerely willing to and interested in paying their fair share of the taxes. When you go beyond that, you have a problem.

I know that in the borough of East York that I represented for many years, when the first property tax bill went out with three instalments, in many cases people would come in and pay all three instalments right at the beginning. They didn’t have to do that, but they wanted to make sure that they paid their fair share and they got their taxes in and they were paid for. If they feel that they’re not being ripped off, then that’s the kind of attitude people will take and they will pay.

I might say I don’t intend tonight to have too many plugs for the Common Sense Revolution, but that is the basic approach. The Common Sense Revolution, can you see it? There we go. Everybody wants to see it. I see another photo on the other side, there. Yes, very complimentary.

Hon David Christopherson (Solicitor General and Minister of Correctional Services): What exactly are you getting at?

Mr David Johnson: What we’re saying in the Common Sense Revolution is exactly that message, to the minister opposite, and the message is that we are being taxed too highly in the province of Ontario. We need to reduce taxes. We’re suggesting a reduction in the per-

sonal income tax, which is extremely high in the province of Ontario.

I might say, a 30% reduction in the personal income tax in the province of Ontario, and the parliamentary assistant may be interested in this because he's never been able to figure out these mathematics, worth a little over \$4 billion—that's where the \$4 billion comes in, to the parliamentary assistant—would bring the personal income tax down to about the level of Alberta, when one considers the surtaxes involved. That's how far we are above the province of Alberta today, about 30% higher, when you consider it.

Interjection.

Mr David Johnson: Reaganomics. Well, it's Reaganomics if you don't look at the other side and you don't look at the expenditure reduction. The minister I'm sure would be embarrassed if he was putting forward a platform like this that didn't balance the spending along with the revenues. What we're saying is, yes, by itself it doesn't make sense. You can't cut taxes by themselves. You have to cut the expenditures at the same time.

Here in the province of Ontario, and I'll give you credit, Minister, not all of the expenditures have gone up under your regime. Certainly, in the years 1985 to 1990, the expenditure increases were dramatic: I think in one year, three times the rate of inflation. The expenditure increase, somewhere around 1988 I believe, was about three times the rate of inflation.

During that time, from 1985 to the present, the spending in Ontario has increased, even accounting for inflation, even accounting for population growth, by \$8 billion over and above inflation, over and above population growth. That's how much the spending in Ontario has increased.

We're suggesting we cut back by \$6 billion, which would still bring it \$2 billion above 1985 levels, when considering population growth and inflation growth. That would allow for tax reduction which, Mr Parliamentary Assistant, would go a whole lot further in terms of addressing the underground economy than all of the iron-fisted methods, all the enforcement techniques, all the search-and-seizure techniques that one could implement in the province of Ontario.

Lower the taxes, make them reasonable and people will pay them. That's what we're suggesting in the Common Sense Revolution. And yes, we've got to reduce the expenditures at the same time or it doesn't make sense.

Hon Mr Christopherson: Where?

Mr David Johnson: Where across the board except health, classroom spending and law enforcement. Those are the three areas that have to be protected.

Hon Mr Christopherson: That's about 50% of the budget.

Mr David Johnson: It's a good chunk of the budget, which means that the rest of the budget has to be reduced by about 20%. It leaves about \$30 billion; 20% of \$30 billion is \$6 billion, which is exactly what we're saying the expenditures need to be reduced by.

If you apply your percentages, Mr Parliamentary Assistant, against the proper amounts, lo and behold, you

come out with the proper numbers, and that's why the chief economist for Midland Walwyn says the plan will work. Not only will it address the underground economy that is a concern to the parliamentary assistant, and it's a concern indeed to all of us, but it will put in place an economy that will encourage private sector growth.

1910

I was taken to task the other day for saying that governments create jobs, and rightfully so. Governments do not create jobs. If we only have jobs being created by governments we're in deep trouble, because we can't afford the jobs that we have in government today. Here in the province of Ontario we spend \$55 billion a year, revenues of \$45 billion: \$55 billion going out, \$45 billion coming in. That's a recipe for disaster. It's a recipe for borrowing \$10 billion a year, and that's exactly what the government is proposing to do. As a matter of fact, I guess it's \$10.5 billion that they're proposing to borrow this year to make ends meet. Well, that won't work.

The proof is in the pudding. The proof is here in the 1994 budget that the parliamentary assistant I'm sure is very proud of. But this budget shows that because of the borrowing of over \$10 billion for the last four years in a row, we have a debt today probably, as we sit here, of over \$80 billion, and by the end of this fiscal year it will be slightly over \$90 billion. That's what we're leaving for our children and our grandchildren in the province of Ontario. It's not a pretty sight.

The government is fond of saying that one of the problems it faces in balancing the budget and coming to grips with that annual deficit of over \$10 billion is that the revenues have gone down in some years. They're projecting an increase in revenues this year, but over the last four years since this government has taken office the revenues have been very flat. I think in a year or two they've actually gone down, and this has caused difficulty in balancing the budget. Sure. I don't disagree. That certainly will cause difficulties.

And why has it gone down? The recession is certainly part of it, there's no question about that, and the underground economy comes into the equation again. People are not paying taxes. When the tax rates are put up, when personal income taxes are put up, as they were a year ago, when the surtax percentages are put up as they were, when other taxes are increased—the total tax increase a year ago was \$2 billion in terms of additional taxes. When that happens, people do go underground, and the parliamentary assistant is correct. When people go underground, apparently there's this phenomenon of hitting the tax wall.

Maybe I'll understand it better as time goes on, but if you look in the numbers, you can actually see that the revenue take is going down in the province of Ontario. The claim is that we have hit the tax wall, and when you hit that wall and continue to put taxes up, actually less revenue comes in because people stop paying. That's what has happened in the province of Ontario.

I wanted just to talk about a couple of other items. As was pointed out by the member for Oriole, part of this bill deals with the land transfer tax and the Ontario home ownership savings plan. This is a plan that I know the

Ontario Real Estate Association and all the many thousands of people who are involved in the real estate industry in Ontario have supported very strongly: the Ontario home ownership savings plan. I know that my colleagues the member for Mississauga South and the member for Markham have spoken on behalf of this program in the past.

The program itself is available to first-time home buyers with family incomes, I believe it is, of below \$80,000 a year, individual incomes below \$40,000 a year. I'm getting the nod that that's correct. I believe as an individual you can save \$2,000 a year and as a family up to \$4,000 a year and there's a tax credit equal to 25% of what you pay into that program, a tax credit through the province of Ontario.

That particular aspect of the program is not contained in this bill, but the government has announced that that particular aspect will be ongoing. Certainly there are many people happy that that program will be ongoing. The people in the real estate industry are very delighted about that. My colleagues who have spoken on behalf of it are delighted by it. Some 250,000 people have taken advantage of that program. Is that about the right number, some 250,000 people?

There is one component of the program, though, that is referenced in this bill. When you buy or sell property, one or the other, a land transfer tax is involved, and that land transfer tax has been going up in leaps and bounds and it's becoming a significant amount of money. Up until recently, there was a refund of the land transfer tax for those who were involved in the OHOSP program—OHOSP standing for Ontario home ownership savings plan. You were able to benefit two ways: Once in terms of getting a tax credit as a first-time buyer, and second, through a rebate or refund on the land transfer tax. The land transfer tax, through this particular bill, is being limited to those who signed into the program before January 1 of this year. If you're a resident of Ontario and tomorrow morning you wish to sign into the OHOSP program, you would not be able to get the refund on the land transfer tax. You would have to pay the full tax.

You would still be able to make your contribution up to \$2,000 a year as an individual or \$4,000 a year as a family and get a tax refund on that, but a portion of the program is being taken away through this bill. I know those involved in the real estate industry are sad to see that go. They're certainly delighted that the main part of the program is carrying on, but still, the program is weakened, and this will be less incentive for people who are interested in making their first purchase of a home, less assistance than it had been formerly.

The next part of the bill that I wanted to talk about was the Liquor Licence Act. I have already made some comments about that with regard to the comments made by the member for Oriole. The parliamentary assistant, with great zeal, pointed out that through this act the government is quadrupling the maximum fine to \$100,000 for a contravention of the Liquor Licence Act. The fine would be quadrupled from \$25,000 to \$100,000 for an individual, and it would be more than doubled for corporations: They would face a maximum fine of

\$250,000 up from \$100,000. Again the concern is smuggled liquor and trying to come to grips with the smuggling, the underground economy associated with the liquor business.

But the release from the Ministry of Finance, dated May 18, signed by the minister's communication coordinator—at least his name is on here—makes it clear that the main purpose here involved the revenues to the province of Ontario. The revenues to the province are suffering and they want their revenues, so they're putting up the fines. "Let's make sure we fine people, and if we fine them more heavily, they'll be less inclined to smuggle, to go underground, and they'll be more inclined to pay their taxes and then the Ministry of Finance will have that extra revenue."

1920

That's one approach, and there would be many people who would agree that is a good approach. I don't deny that. But I have a suspicion that this approach by itself is doomed, that it just won't work, and my suspicion is heightened by information that was passed to me by a number of organizations that have combined in what they call the Ontario Stakeholders' Report.

This report was prepared by a number of industries: the hotel industry, the resorts industry, the Ontario Restaurant Association, the Ontario Hotel and Motel Association, the Association of Canadian Distillers—Hiram Walker would probably have been included somewhere in there—the Hotel Association of Metropolitan Toronto, the Canadian Restaurant and Foodservices Association, and—this is an interesting one—the Hotel Employees and Restaurant Employees' Union, Local 75. The union was involved in this, and I'm sure my friend from Downsview, who doesn't like the studies I quote from the private sector, would perk up, if he were only here, and would say, "There's one we can listen to," because it involves the Hotel Employees and Restaurant Employees' Union, Local 75.

They point out, as I mentioned earlier, that in Canada there is an 83% tax rate on distilled spirits. I don't know if this illustration shows up, but there's a typical 750-ml bottle of something, with a retail price of \$19.45. I haven't purchased a bottle recently, so is that still about right? Nobody else knows here, either. We're all sober. Is that about right, \$19.45? If you start from the top, it says \$1.96 is provincial sales tax, \$9.61 is provincial markup, and that is 59.5% of the price of this \$19.45 bottle of booze. Then 23% is for the federal tax: \$1.14 for federal GST and \$3.32 for federal excise duty. So out of the \$19.45, that leaves \$3.42, which is the supplier's selling price, in other words, the distiller's share of the bottle. About 17% of the price you pay actually goes to the person who produced it and the rest goes to either the federal government or the provincial government.

My suspicion, and the suspicion of the people who signed the Ontario Stakeholders' Report, is that all the search and seizure measures and all the other measures to comply are going to be largely unsuccessful with that amount of taxation level. That is just too tempting. Certainly in terms of the cigarette trade it was very tempting. Cigarettes are very portable. They're easy to

carry, much easier than bottles of liquor. It was so tempting in terms of cigarettes that all the enforcement in the world would have had a difficult time enforcing that taxes be paid on the cigarettes, and the people involved in this study had the same suspicion here.

What they claim is that in 1980 the spirits industry in Ontario employed 3,250 people, and today—and this report is dated April 22, 1994—there are 1,808 people, so there has been a job loss of 1,442 people, or they turn that into an economic equivalent of \$115 million. The fact is that almost 1,500 fewer people work in the spirits industry today than in 1980. Some people would say that's a good thing, because spirits improperly used are a health hazard at any rate, and perhaps we should have fewer of them. But for the 1,500 fewer people employed, that's not such a good thing for them.

They go on to give several suggestions and make several other comments. I've talked about the employment just in the spirits industry itself, but on the broader basis, in terms of the licensed establishments in the province, there are 140,000 jobs involved and licensed operators contribute some \$1.9 billion in taxes, so this is a big industry. The licensed establishments in Ontario employ a lot of people, and what's happening today is a serious concern to them.

They did a poll through this study and asked the people about price of and taxes on spirits. What they found is that 83% of the respondents indicated that taxes were the factor that contributed most to the high price of spirits—that's not surprising, because that's a fact—and 68% felt the current price was too high but didn't know how much taxes were involved. Many of these people didn't know, and when they were actually told what the level of taxation was on a bottle of liquor, then 77% turned around and indicated that the tax level is far too high. Not surprisingly, the vast majority of people support a reduction in the taxation level.

I'm sure certain measures are required in terms of enforcement and compliance, but the main problem, many people feel, certainly those involved in the industry, is that the level of taxation is simply too high.

The member for Oriole did mention search and seizure, and I thought it might be instructive to look at what that aspect of the bill actually says. It says, "[a]ny person authorized by the chair"—the chair is the chair of the Liquor Licence Board, I presume—"who has reasonable and probable grounds to believe that a vehicle, a vessel, railway equipment on rails or in aircraft contains evidence of contravention of any of these acts and regulations,

"(a) may, without warrant, stop and detain the vehicle, vessel, equipment or aircraft."

The parliamentary assistant has said that you must have reasonable and probable grounds, and I hope that some time during this debate the parliamentary assistant indicates to us, in whose view is it reasonable and probable grounds?

Mr Sutherland: The courts. There's a lot of precedent on that.

Mr David Johnson: However, as I understand this,

the courts aren't consulted, because an inspector, without a warrant, can stop, detain any vehicle, vessel, equipment. It'll be interesting to me in terms of how the courts get involved in this to declare that there are reasonable and probable grounds.

I can tell you in another bill that we debated recently, Bill 120, which has to do with basement apartments, there's a suggestion that building inspectors and fire officials may on reasonable and probable grounds enter a premises to do an inspection, and many fire departments and many property standards inspectors have attempted to enter properties to do inspections, saying they felt they had reasonable and probable grounds, but they had to go before a judge and convince the judge that they had reasonable and probable grounds. My experience has been that the vast majority were turned down and that the judge actually said: "No, in my view, in a free society here in Canada you need more evidence than that. You do not have, in my view, reasonable and probable grounds and I'm not going to give you a warrant to enter the property."

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Perhaps the parliamentary assistant will address this later, but here we have a clause that skirts around the requirement to get a warrant, to go before a court. An inspector, on his or her own accord, may determine what is a reasonable and probable ground, go in, do a search without a warrant, detain a vehicle and examine the contents, including the cargo. They may seize and take away any of the manifests, the records, the accounts, the vouchers, the papers. They may seize them and take them away and hold them for any period of time.

It seems rather draconian to me. I understand there's a problem, but I think, under cool analysis, the powers that have been given to the inspectors go beyond what we would consider in a free and open, democratic society to be reasonable. I would certainly like a response to that.

I'm going to shift along to the Race Tracks Tax Act. Again, looking at this section of the act, the main intent is to ensure that taxes are paid. For example, on page 45, it says, "If on a particular date a debt as calculated under subsection (2) is payable by any person, the person shall be charged interest payable to the minister at the prescribed rate and calculated in the prescribed manner on the amount of the debt" etc. What is taking place in here is to force taxes to be paid, penalties to be paid, etc. It shows me the intent of this whole thing.

I flip to the next page and it says, "Every operator"—we're talking about track operators in the province of Ontario—"who fails to submit a return or who fails to remit the tax collected as required by this act and the regulations shall pay a penalty of an amount equal to 10% of the tax collected for the period covered by the return."

People are having trouble making ends meet. They certainly are in the racetrack industry, I can tell you that. That's an industry that's under extreme duress at this point in time in Ontario. With this act, again the iron fist comes down on them: "You must pay. You must pay a penalty."

Do you know what's happening in the racetrack industry? I'm sure this is not greatly interesting to the members of the government, but the racetrack industry is coming under fire here in this bill and is being told, "Pay up with a penalty." The Ontario Jockey Club, for example—and this is a report from November of last year; it's a little bit out of date—employs 2,600 people at its four racetracks. But across the province of Ontario, if you look at horse racing as a whole, there are some 50,000 people who earn income from horse racing. A government study, this particular government, last year indicated that there are 28,000 jobs but about 50,000 people who derive some sort of income from the racetrack industry—a lot of people involved.

So it's not only the fact that people can go out and enjoy the horse racing, that ordinary citizens can lay a wager and have a little bit of fun, but it employs a lot of people. Of course it employs jockeys, managers, attendants at the tracks, groomers, trainers, vets, blacksmiths etc—a lot of people employed.

But what's happening in the racetrack industry, that same industry that the government is wringing every last nickel out of through Bill 161 that we're debating here this evening? With the prevalence of betting through the lottery system and now the Windsor casino, the racetrack industry is suffering. The profits of the Ontario Jockey Club, which as recently as 1989 had been over \$6 million in profit, for the last three years, 1991, 1992, 1993, the profits—well, there are no profits. There's a loss. Last year, 1993, there was a loss of \$7 million in the industry.

The reason for this is no secret. With the lotteries coming in, with the Windsor casino coming in, the competition is there, but another reason, a reason that perhaps is relevant here tonight—and I know the members opposite don't want to hear this—is that the racetrack industry in Ontario is among the most highly taxed in all of North America. In Ontario, the parimutuel tax rates, the tax rates on the racetrack industry, is 5%. The only jurisdiction higher in North America is California. In California, the tax rate is 5.8%. In Florida, where many Canadians spend their time, it's 2%.

Mrs Margaret Marland (Mississauga South): That's where they used to go before they got their health insurance cut.

Mr David Johnson: As the member for Mississauga South is saying, that's where many Canadians used to go before the health insurance was cut. People are having a hard time being able to do that now, even though the Canada health plan says there should be equal health services and payments, no matter where Canadians are. The plan was cut, of course, and emergency treatment now for Canadians in Florida is only \$100 a day for a hospital bed as opposed to the average cost here in Ontario of \$400 a day. The member for Mississauga South is exactly correct in that.

But if Canadians did want to bet in Florida, the tax rate there by the state would be 2%, less than half of what the rate is here. It occurred to the government that one way to force the jockey clubs and the racetrack operators is to bring down the iron fist and to force compliance. But another way may be to look at the tax

rate that's being applied here in Ontario, which is more than double Florida's, which is 10 times the state of New Jersey, which is more than the state of New York, and say: "We're overtaxing that industry. That industry is losing money. That industry is closing down racetracks. Fewer people are being employed. People are losing their jobs in the racetrack industry."

Yes, we've hired a few people in Windsor to run the casino, a great job creation activity: a few people are spinning roulette wheels. Meanwhile, what's happening to the racetrack industry? All the people employed in the stables, selling goods in the food services industry associated with the racetrack, taking tickets, all the people employed—and these are people, I might add, who are not employed at the high end of the income scale. These are people who are generally earning lower amounts of income and desperately rely on their income from the racetrack industry. Well, they're losing their jobs because (1) the industry's taxed more heavily than any of its competitors, and (2) the lottery games and the casinos are coming in and jobs—

Mr Mills: That's not the truth.

Mr David Johnson: The member for Durham agrees with me on that, I'm sure. I can tell.

Mr Mills: I worked at Barrie Raceway. People stayed away from the races because—

The Acting Speaker: Order. The member will have his turn.

Mr David Johnson: I don't know what the rationale—he worked at the Barrie Raceway and they're staying away, for some reason.

Mr Mills: Not because of this.

Mr David Johnson: Not because of the high level of taxes, he says, and not because there are so many other—you know, it all combines together, Mr Member, and when the take goes down, when the times are tough, everything gets pinched, and I'm sure they're having a tougher time getting the competition; I'm sure it all hangs together. But if you lower the taxation rate on the racetracks in Ontario, and don't expand the casinos and give the racetracks a chance, my guess is they would come back.

1940

That's my problem with that part of the bill. I don't think it really speaks to where the real problem is. It's trying to squeeze money out of an industry that's dying, an industry that's pleading for help, an industry that's saying, "We're overtaxed," just as many of the rest of the industries in Ontario are doing. What are we doing? Instead of listening to their pleas, instead of looking at the real situation, we say, "We're going to squeeze some more taxes out of you somehow."

The next part, and I think this may be—no, the second-last part: All right. I'll speak to a good part of the bill.

The parliamentary assistant has indicated that subsection 2(27) authorizes Ontario to join the international fuel tax agreement; IFTA, it's called for short. This is a provision that the Ontario Trucking Association has requested, and having attended meetings with the Ontario

Trucking Association, I know that this certainly addresses a problem of the trucking association in the province of Ontario. I compliment the government for taking this step. It will simplify their paperwork. I believe one of the problems they have at the present time is that all the various states have different arrangements, so that without this, the industry is forced to file numerous certificates to comply. This will be a good thing for the trucking association in Ontario, and it's long overdue.

The only fly in the ointment, and perhaps the parliamentary assistant would address it, is that there is a fee to do this. This is something that probably should have been done a long time ago. Now they have had the annoying feature of adding a \$15-per-truck fee supposedly to finance this situation.

It's interesting. If you look at all the revenues that come from the gasoline tax and I believe the gasoline tax generates about \$2 billion a year in revenues, and if you look at all the revenues that come from licences and fees from motorists—I'm not just talking of truckers, but I'm talking of all motorists in the province of Ontario—there's a huge amount of money that this government already squeezes out of motorists, truckers, those of us who drive automobiles.

According to my calculations, that amount of revenue far outweighs the amount of money that's put back in to improve the road system in Ontario. Perhaps if you throw transit on there, it may be a close equation, but in terms of the money that goes into the road system, there's more revenue that motorists pay than they get back. That will not be a big surprise to any motorists watching here this evening.

Why charge the truckers a \$15 annoying fee? I wonder what it would cost to administer this \$15 fee. Other than that, though, my compliments to the government. This is certainly a good way to go.

Finally, the cigarette tax: What we're dealing with here, as has been mentioned previously, is back to the problem we faced earlier this year in the province of Ontario—smuggling, underground economy, taxes on cigarettes too high. The incentive was there to smuggle, and it will be, no matter what the commodity. Whether the commodity is cigarettes, whether the commodity is alcohol, whether the commodity is alcohol, whether the commodity is something else, if the taxation level is as huge as it is, 83% on alcohol, a huge amount—I haven't calculated it exactly, but I can say that back when this government made the decision to lower the taxes on cigarettes, which is exactly what we're addressing here tonight, to give approval through Bill 161 to lower those taxes, the manufacturer's tax was \$8.50—this would be on a carton of cigarettes—\$5.50 for the federal excise tax; \$5.36 for an excise duty, federal duty; \$13 for Ontario tobacco tax: \$32 out of \$41 in taxes.

It's worse than that actually: There's GST and RST on this too. If you add that all up, there's probably in the vicinity of \$36 or \$37 in taxes, out of \$41 a carton. Is it any wonder they're smuggling when that happens? That's a tremendous incentive for the underground economy, for smuggling. Reluctantly, I'm sure, the Finance minister lopped the taxes, decreased the Ontario tobacco tax from

\$13 down to \$3.40 on a carton and the price fell down to \$23 and that now is somewhat competitive to what the smuggled cigarettes were commanding.

I know that many in the health industry were livid.

Mrs Marland: Still are.

Mr David Johnson: They still are, as the member for Mississauga South says. I remember talking to somebody who's very prominent in the health field. I won't identify exactly who he was. He said that Jean Chrétien will go down in infamy for cutting the federal tax. That's how the health professionals felt then and, I believe, as the member for Mississauga South says, that's how they still feel today. But that's what happened and it had to happen, because the tax was simply too high. That's what we're dealing with today.

It brings up the question of what should be done. At that point in time, I suspect the government's options were limited, but certainly there has to be a broader program than simply the tax reduction, to deal with the problem of cigarette smoking.

I'm going to make one fast shuffle. I know we had indicated that we would limit our speaking time tonight, and I think I am being encouraged from all sides to bring a halt to my comments. So I will leave it at that. I hope my colleague from Mississauga South may have a few comments as well.

The basic message that I would like to convey and that I think the people of Ontario are conveying—they're doing this by taking natural actions: They're being forced into the underground economy. They're being forced to avoid paying taxes because our taxes are too high, too high on cigarettes, too high on alcohol and too high in many other areas in Ontario. That's the basic problem we have. If you come to grips with that, Mr Parliamentary Assistant, then you will really start to come to grips with the underground economy.

The Deputy Speaker: Questions or comments?

Mr Sutherland: The member for Don Mills raised quite a few issues during his comments on the bill. I appreciate that very much. Let me just say on the OHOSP that it has been a very successful program. There are over 300,000 plans that have been registered as of the end of 1993; 231,000 homes purchased with the help of the plan.

He also talks about the search of vehicles and he cited a case where bylaw inspectors weren't allowed to go into homes. The courts have very clearly differentiated between homes and vehicles that can be moved around. They give a far greater degree of protection to your home than they do to vehicles, and they accept searches, if there's reasonable and probable grounds, of vehicles. That's why there is the difference in terms of homes and others.

Regarding the questions about liens, the changes that we are making here are as a result of the 1992 Bankruptcy Act at the federal level. As a result of the changes, they removed the crown as preferred creditor status in bankruptcies. As a result, ownership of assets cannot be transferred until a lien is discharged and all ministry tax statutes are being amended to include these lien provi-

sions. They will not have priority over purchase money security interest, inventory sold in the ordinary course of sales and negotiable securities.

That's the reason we're doing it, because of changes to the federal act that kind of reduced our status there. The government is looking at some of the proposals put forward by the distilled spirits industry, but no decision has been made. As I mentioned earlier, it has been generally acceptable public policy to use taxes to deter excessive drinking of all kinds of spirits, wine, beer in the province of Ontario.

With regard to some of his comments about the racetracks sector being uncompetitive, we have certainly done things through the racetracks incentive program in taking some of the percentage there and reinvesting that. Again, the efforts of the Minister of Consumer and Commercial Relations to bring the Breeder's Cup here are also a significant help to the industry.

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Mrs Marland: I want to congratulate the member for Don Mills on his analysis on this bill. Obviously, when we look at some of the announcements the government made in its budget speech, one of the concerns I had particularly, not only as the Housing critic for our party but as a representative of one of the Mississauga ridings, was that the potential for growth in new home ownership is tremendous.

Although after a lot of pushing from the real estate industry around this province, which knows how important the Ontario home ownership savings plan was to helping first-time home buyers acquire that home, the government announced that it was going to continue it after we pushed—I asked a number of questions in the House on that issue. When we pushed and pushed, finally the government said yes, it would extend it, it would continue it, but unfortunately, in the same breath it said that it wouldn't continue the land tax rebate portion. Of course, for most people, the most attractive feature of the plan was the land tax rebate portion.

While the parliamentary assistant stands and says, "We expanded the home ownership savings plan," really it's just a little—

Mr Sutherland: I didn't say we extended it.

Mrs Marland: Sorry, you said you continued it, but in fact you didn't continue it in the format that it was in and it's not the help that it should have been and should continue to be. If we're building houses, we're employing people. It's jobs and we need jobs.

The Deputy Speaker: Further questions or comments? If not, the member for Don Mills, you have two minutes.

Mr David Johnson: I appreciate the comments and helpful statistics from the member for Oxford. I certainly appreciate the comments from the member for Mississauga South.

The member for Mississauga South is our Housing critic and she's very familiar with all aspects of housing and has been very involved with the OHOSP program. Anything she says I treat as the gospel when it comes to do with housing. She's been very involved with the

OHOSP program and concerned about the fact that the land transfer tax is no longer being assisted.

I also appreciate, I might say, the comments from my good friend from Durham East to my side who's here in support. He told me, from his comments, something pretty interesting. We've worked this out. He worked with the Barrie racetrack and he said the problem was that they couldn't get good horses at the Barrie racetrack. I suggested that the problem they're having is, if you're losing money, how can you pay the purses? You can't pay the same level of purses. If you can't pay the same level of purses, you can't get the same level of horses. So it all ties in.

They're losing money, and I think we've sort of agreed on this. If you're taxed too high—maybe he didn't agree with that—if you're losing money, you can't pay the purses, you can't get the horses, and it's a spiral.

The other thing we did agree upon is that many of the people, such as those grooming the horses, have very limited skills, and this is sad. They would not be helped by the Jobs Ontario program to any great degree. They have specific skills, limited skills. They're well employed in the racetrack industry; they find it very difficult to get a job outside that industry, and I think that's a very sad aspect of the closing of many racetracks.

Mrs Marland: Although I had not intended to speak in this debate on Bill 161, I felt that it was important to explain to some of my colleagues across the floor about the significance of not continuing OHOSP in the format that it was in. It's significant for each and every one of you in your ridings whether you're aware of it or not. It's significant because if we don't have government incentives to help people buy their first home, then there is no market for new homes to be built. Whether their first home is a new one or a resale of an existing unit, it does mean, in the ripple effect, that new homes are needed.

If we are really sincere about creating jobs in this province, the Ontario home ownership savings plan was one incentive that would have paid back many times the investment on the part of the government. We're not asking the government to spend more money; we're simply saying that through that savings plan there was an incentive for people to buy new homes and homes for the first time. However, finally, as I said, the government did continue the savings plan feature of that program, but they chose not to continue the most attractive feature of the program, which was including the land tax rebate. It was the land tax rebate portion that was the most important feature for first-time home owners.

The parliamentary assistant mentioned that there were 300,000 plans registered last year. I didn't know what that figure was. I think he said there were 300,000 plans registered and 240,000 homes actually bought through those plans. I think that speaks volumes about the need for that program. Every time the market is created for a new home, the ripple effect of that on our economy is tremendous, because every new home needs a new fridge, a stove, other appliances, a furnace. It needs carpeting, it needs furniture. The impact on our economy of being able to build and sell new homes is tremendous and I do think that the government has made a mistake in not

extending the OHOSP in the format that it was originally.

I hope Mr Laughren will look at that decision again. There is no reason why, during the year, he couldn't amend the decision to eliminate the land tax rebate portion and re-establish it as part of OHOSP.

The construction industry, as everyone must realize, is one of the industries that's been hit the hardest during this recession, and it is beyond me to understand why the government wouldn't have done everything they could in this program, in this format. It was something, frankly, that was handed to them. It wasn't a big administration fee; it wasn't setting up a new bureaucracy. It was simply continuing something that existed.

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The public had become aware of what the program was about. They understood it. I talk to young couples all the time who tell me they were registering and applying for the plan because they knew that was their way to get into their first home.

Our Housing minister likes to say it's not important for people to own their own home. She said that in estimates committee in answer to my questions about home ownership, and it's in Hansard. She did say one day there really isn't any difference between people renting money and renting their home or their accommodation.

I was very floored, frankly, the day she said that. This is the current Minister of Housing, the member for Ottawa Centre. I asked, "Do you own your own home?" Yes, she did. I asked her if she had a new furnace, and she'd updated the windows and so forth because she said it wasn't a new home; it was an old home. She had been able to update her home by investing in new windows and new furnace and so forth.

At the time, the significance of that question was that we were discussing the Rent Control Act and she wasn't giving landlords in this province the opportunity to take energy conservation measures which in fact she had taken herself in her own home. But in so doing, there were two things: We had a Minister of Housing who did own her own home, who had helped the economy by buying goods and services to improve her own home. So obviously the choice of people in this province to buy their own home is a choice that must be available to them.

As I say, in spite of the fact that the minister said that a lot of people think there's no difference between renting accommodation and renting money to buy a home, there is a difference, and the opportunity to do that through the Ontario home ownership savings plan is an opportunity that is important to continue for the people in this province, to have that option.

Although there are a number of different taxes that are addressed in this Bill 161 tonight, I think one of the taxes that has the greatest concern to a large sector of the people in this province is the impact of the Tobacco Tax Act—the fact that it is absolutely contrary to the best interests of public health. The idea that the only way we could deal with smuggling—and I recognize it was the decision of the federal Liberal government first that this step was made. It was their decision that the only way to deal with the smuggling and the crime related to the

smuggling was to eliminate the incentive, the incentive being that there was so much money in it.

So when the federal government made that move, the provincial government said they didn't have any other choice. But if we dealt with all smuggling on that basis, that the only way we deal with it is we cave in by eliminating the market, then I guess that would be a very simplistic solution that in some cases might work and in other cases wouldn't. In the case of the Tobacco Tax Act, there is a great deal of concern about the impact on public health by reducing the cost and making cigarettes again very accessible, especially to the younger generations of our people in Ontario.

So we do have a concern about the fact that cigarettes, quite frankly, are cheap again. If that was the only way to control the smuggling of illegal cigarettes into Ontario, then I suppose the argument could follow, why don't we eliminate all the sin taxes, because there is an incentive to smuggle in all of those areas.

Anyway, I'm aware that there is an informal agreement tonight that this debate will not be prolonged, so I will not prolong it. I have just stated two of the major concerns that I have, and I hope that Mr Laughren, the Treasurer, will look again at the OHOSP, particularly at reinstating the land tax rebate portion.

The Deputy Speaker: Questions or comments? Further debate? If not, the parliamentary assistant.

Mr Sutherland: Let me just address the couple of concerns raised about home ownership and not continuing the land transfer tax. My understanding is that there have been some concerns also about not only the expense of the transfer tax program but also some concerns that there were some ways of abusing that portion of the refund. The ministry people are reviewing some of the files just to ensure that everybody who is eligible met all the criteria they were supposed to, because sometimes at the time the plan was opposed a change in income may have occurred which may have made them less eligible etc, those types of things. So those files are being checked.

Let me also remind the member for Mississauga South, as I reminded the earlier member who raised a similar concern, that we did announce in the budget a \$50-million home loan guarantee fund as well as another incentive for encouraging home ownership.

I appreciate all the members who participated in the debate, and I think for the most part they raised some very legitimate concerns. I hope throughout the debate and through some of the responses we've tried to provide that we've been able to address those concerns.

The Deputy Speaker: It has been agreed that the vote on this bill will be taking place tomorrow.

LONG-TERM CARE ACT, 1994

LOI DE 1994 SUR LES SOINS DE LONGUE DURÉE

Mr Wessinger, on behalf of Mrs Grier, moved second reading of the following bill:

Bill 173, An Act respecting Long-Term Care / Projet de loi 173, Loi concernant les soins de longue durée.

Mr Paul Wessinger (Simcoe Centre): The Long-Term Care Act creates a new legislative framework for

planning, managing and delivering community-based long-term care and support services for elderly persons, adults with physical disabilities, persons of any age who need health services at home and children who need care and support at home or in school. I would like to begin my remarks by explaining why this legislation is needed and what it can do for consumers who need long-term care and support services.

While Ontario has one of the best systems of long-term care and support services, consumers have continually told both past and present governments that some things need changing. Consumers have told us that they want their services provided at home wherever possible. They do not want to go into a hospital, nursing home, home for the aged or other institution if they can receive the care and support they need at home. Consumers have told us that they see care in institutions as a last resort.

In addition to the preference for increased service at home, the number of consumers who need long-term care and support services is increasing. The growing demand for services stems from the overall aging of the population, improved recovery and survival rates resulting from advances in medical technology and the success of independent living for adults and children with disabilities.

Parents have told us that school health supports and other services are essential in making it possible for their children to lead active lives and participate fully in childhood and school activities.

Acute and chronic home care services continue to provide care and treatment to many people recovering from illness, people with AIDS and other debilitating conditions who otherwise would have to be admitted to hospital to get the care they need.

Despite the growth and demand for community-based services, for too long Ontario has relied heavily on institutional services.

Consumers have told us that they find getting information about services difficult, time-consuming and confusing. If you have an elderly parent who needs help with meal preparation, housekeeping, nursing care or personal support, you may have to contact four different programs to get all the service that parent may need.

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Consumers have asked for simplified access, a one-stop approach to obtaining information about services and the care and support to maintain health and independence. Consumers have told us that one-stop access means making one phone call, not five or six, and making contact with a person who will take responsibility for providing accurate information about what services are available and how to get them; making appropriate referrals to other services as needed; assisting the person to identify his or her needs, including making or arranging for assessments, determining eligibility; developing a plan of service with the consumer; arranging for workers to provide the actual care and services; and following through with the plan of service, monitoring service provision, identifying changes in need and circumstances and making necessary adjustments in services provided.

Consumers have told us that the services they need are not always available when they need them. We know that there are some gaps in home support and home care services in some parts of the province. One community may offer a broad range of care and support services while a neighbouring community may have very limited services. Some communities still have no attendant care or personal support programs.

Consumers have stressed that they want a system that puts customer service first, that provides choices and allows them to participate in the decision about what services are needed and decisions about how, when and by whom those services will be provided.

Consumers have told us that what Ontario needs is a long-term care and support system that responds to a consumer's preference for services at home, simplifies access and creates a one-stop approach to information and services, assigns responsibility to a person for providing and arranging services for each consumer, ensures the availability of a full range of basic services and puts consumer choice and consumer service first.

Bill 173 makes possible a new, consumer-oriented approach to managing and delivering community services and provides us with an opportunity to correct what consumers have told us is wrong with the system.

The centrepiece of the consumer-focused system, and the new legislation, is multiservice agencies. To achieve a one-stop approach to service, the legislation requires that MSAs provide information and referral services regarding long-term care and support services that are available, make the assessments and determine the eligibility for services, develop a plan of service for eligible persons and review that plan when necessary and offer a specific range of long-term care and support services.

One-stop is sometimes mistakenly thought of as only one place in the community where services are offered and where consumers can go. This is not the concept of one-stop access contemplated by Bill 173. One-stop does not mean that all services and care providers have to be assembled under one roof and that consumers have only one point of contact with the community. One-stop means that all the participants in the MSA network must be capable of making the right connections to meet the person's needs. It means that with one phone call consumers and service providers should be able to tap into a well-coordinated network of service. One-stop is achieved by a functional integration of information, referral, assessment, case management, service delivery and follow-up.

By requiring MSAs to make assessments, determine eligibility, develop a plan of care for eligible consumers, review and revise a plan when necessary and provide or ensure the provision of the services set out in the plan, we will ensure that a person takes responsibility for these activities for each individual consumer. In addition, Bill 173 makes it possible to ensure that the appropriate range of basic services is available throughout the province.

Section 12 of the act requires MSAs to provide or ensure the provision of four categories of community services. The mandatory basket of services to be offered

through MSAs reflects the advice of consumers and other stakeholders regarding what basic services should be priorities. Specific mandatory services are:

(1) Community support services, including Meals on Wheels, transportation, adult day programs, care giver support services and other home support services provided in large part by volunteers;

(2) Homemaking services, including house cleaning, doing laundry, mending and ironing and preparing meals;

(3) personal support services, including assistance with personal hygiene, personal care and other routine activities of daily living;

(4) professional services, including nursing, occupational therapy, physiotherapy and all of the services currently provided through the acute and chronic home care and school health support programs.

Other community services, depending on local needs, may be added by regulation.

No existing programs are being eliminated. On the contrary, all the services offered through the current long-term care and support service programs will continue under the new legislative scheme, with consistent rules and accountability requirements.

The mandatory service scheme under the legislation puts all four types of services and providers, including large and small volunteer agencies, ethnic and cultural organizations, on a level playing field for the first time in Ontario. Community supports provided by volunteer agencies such as Meals On Wheels are equal players with homemaking, attendant care and professional services.

All four service sectors, including the volunteer sector, will be represented in the decision-making process about service priorities and the management and delivery of services.

To further support the one-stop approach to the full range of basic services, the legislation limits the ability of MSAs to contract out or purchase services rather than directly deliver services. This provision will help shift away from the brokerage model of service to one that integrates direct delivery of services with information, referral, assessment, development of a plan of service and follow-up services.

An MSA must not spend more than 20% of its approved budget for each of the four categories of community services. The 20% allowance provides sufficient flexibility to enable MSAs to purchase specialized and additional services to meet particular consumer needs. Services may be purchased from either non-profit or commercial agencies.

For additional flexibility in implementing the 20% limit on purchasing services, purchases from other MSAs or individuals are exempted permanently from the 20% limit.

In moving towards the province-wide establishment of MSAs, it is recognized that some communities will move faster than others. To provide the maximum flexibility and encouragement for local communities in establishing their MSAs, Bill 173 allows the minister to exempt a designated MSA from certain obligations for up to four years.

The exemptions are time-limited from the date of designation with a maximum of up to four years and are not renewable or extendable. The exemptions are discretionary and to be considered by the minister on a case-by-case basis.

The exemption powers are designed to encourage and support early progress towards the establishment of MSAs. The exemptions make it possible for MSAs to develop and begin business without having to meet all of the mandatory requirements of a fully operational MSA before any functions can commence.

However, to ensure that from the outset consumers have a one-stop access point for information about long-term care and support services, MSAs cannot be exempted from the obligation to provide information and referral services. This will eliminate the need for consumers to contact individual service providers, even if the MSA is not yet providing all of the services directly.

Bill 173 provides, for the first time in Ontario, a set of legislative expectations for how consumers receiving long-term care and support services are to be treated, how their choices and preferences are to be respected and how their rights are to be promoted.

First, a fundamental purpose of the act is to "recognize the importance of a person's needs and preferences in all aspects of management and delivery of community services."

Second, Bill 173 sets out a bill of rights for consumers receiving service. The bill of rights provides a clear statement of how consumers should expect to be treated by service providers and how services are to be provided. Service providers are required to treat consumers in a manner that respects their autonomy, their individuality, and their cultural, ethnic, spiritual, linguistic and regional differences.

Consumers are able to exercise choice in giving or withholding their consent to assessment, having their eligibility for service determined, or the provision of any services.

Consumers will also exercise their own personal choices in the development of their plan of service. Service providers are required to provide an opportunity to the consumer to participate fully in the development and revision of his or her plan of services.

In keeping with our commitment to persons with physical disabilities, if communities decide that they prefer to maintain a distinct attendant care program, consumers will have the choice of getting attendant care and assistance with personal support either from a distinct program or through the MSA. The choice is the consumer's.

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In that vein, I would like to bring the attention of the House to the minister's announcement last night of a pilot project of \$4.4 million that will enable people with disabilities to hire and train their own attendant workers. The two-year direct-funding project will help people with disabilities become employers and exercise more control of their lives.

Bill 173 also provides new opportunities for consumers

to play a central role in planning and managing long-term care and support services. Membership of district health councils and their committees and boards of MSAs are to include consumers.

In addition, the legislation requires the minister, when deciding whether to designate an approved agency as a multiservice agency, to consider whether the composition of the agency's board of directors reflects the diversity of the persons to be served by the agency in terms of gender, age, disability, place of residence within the geographic area to be served by the MSA, and cultural, ethnic, linguistic and spiritual factors.

Besides this consumer input that's going to be required, the minister is also to consider the agency's board of directors to ensure that it includes persons experienced in the social service field and persons experienced in the health services field.

These criteria make it clear that MSA boards should involve consumers and include a balance of health and social service perspectives. We believe the new boards or sponsors of MSAs are needed to meet these criteria.

Other features of the bill that promote consumer service and ensure that consumer service is the first priority include other consumer safeguards in addition to the bill of rights and consistent accountability requirements for all consumer providers funded under the legislation. Other government members will be commenting on these provisions of the bill.

I urge all members of the House to support 173 so that the hard work and efforts of consumers and other stakeholders will not be wasted and that the new consumer-focused service system will become a reality.

Mrs Margaret Marland (Mississauga South): We do have concerns about Bill 173. There are some parts of the bill that we do support and I'm going to leave those comments to our Health critic.

But there is a tremendous concern about the impact this will have on the volunteer agencies or those agencies that depend on volunteers for them to function. In fact, the parliamentary assistant just referred to one when he referred to Meals on Wheels. If you kill the volunteer contingent or the volunteer component of any of these agencies, then you will be placed in a position where the alternative is simply not affordable. There will be a choice: The service will be discontinued or you will be scrambling for money to pay where volunteers previously did the job, and that is really significant.

One of the other concerns, and it's very difficult in two minutes, of course, to identify all of the concerns, but there is nowhere in this bill, that I can find, a commitment to people with disabilities. This has been a big void in the whole review of long-term care in this province. It was a void when the green paper went out, the white paper went out.

We had meetings in the communities, and particularly I can speak for the Mississauga Hospital. The residents' council there had a public meeting and expressed a great deal of concern about the direction that the long-term care reform was going to go in terms of its impact on them.

The Deputy Speaker (Mr Gilles E. Morin): Thank you. The time has expired.

Mr Larry O'Connor (Durham-York): I want to compliment the member from Simcoe for his participation in this debate. One area that he didn't talk about, and it actually was referred to by my friend here from Mississauga, was the volunteer element. We do have limited time this evening, but I would like to maybe add something that he hasn't touched on yet because I think the importance of the volunteers is a key.

I know that there are concerns in the community out there. For example, Brock Good Neighbours Community Care has concerns. They're part of Durham Community Care, and they've got concerns about how the local advisory board works with the larger board. Those concerns have to be worked upon and addressed before we can move forward to some of the other concerns.

For the volunteer element, for all those people who put in the countless hours, hundreds of hours, going out and visiting someone in their home or the millions of kilometres that they drive, Meals on Wheels or helping somebody go to the hospital and make that doctor's appointment, that is important. That isn't going to be affected by this, though there are people who will raise that as a concern: "This is just going to kill that part because volunteers aren't important any more." Even though the critics across the floor are heckling, I want to assure the members that the volunteer element is important.

There's a whole network of care that's involved here. The network includes all the social workers, the homemakers, the Meals on Wheels people visiting. All of that is important. If we had the time to address all of that, I'm sure the member for Simcoe Centre would have addressed that.

We're going to go through a public hearing process and we're going to have an opportunity for people to bring those concerns forward and have them addressed. He may have the opportunity, I hope, to address the announcement made by the minister about—

The Deputy Speaker: Your time has expired.

Mr O'Connor: —the disabled people being able to direct their own home care funding.

Mr Cameron Jackson (Burlington South): The comments being raised by the government about volunteers: I stood in this House two weeks ago and raised the question with the Minister of Health about this whole issue around volunteerism and its potential erosion. I said to the minister that there is very clear evidence—

Mr O'Connor: Fear-mongering.

Mr Jackson: You listen, Mr O'Connor; you may learn something here. This matter was measured in the province of Quebec and there was an erosion of the volunteer sector in Quebec when they brought in this form of legislation.

All I said was, can we please have an open mind and find out from Quebec what positive strategies were implemented to respond to the concerns that have been raised by my colleague from Mississauga South? That's all we asked. We didn't make any accusations; we just

simply said, "There is a province that ran into difficulties."

I asked the minister if she had any strategies to deal with that, and she said no. I asked her if she'd look into the matter and find out what that province did to react quickly, because I'll tell you, what she said in the press conference was, there are 1,200 agencies out there that are volunteer-based and 40% of their operation is bureaucracy that should be wiped out—her own words.

A lot of people are going to lose their jobs and there's an adverse reaction to this. What we're simply trying to say is, don't go running into this legislation with the presumption that there isn't going to be some fallout. It has nothing to do with the outcome of long-term care, which is an important outcome in this province. But in the journey to get there, a lot of volunteer groups are telling this government that they have very legitimate concerns. When they're talking to their colleagues in the province of Quebec, they're finding out that there were serious problems and erosions with groups like the Red Cross, the VON, Meals on Wheels and a whole host of other services that are vital to seniors in this province.

So take your head out of the sand, look at the problem as it existed in Quebec and what positive things can we do. That's all we're asking for on this side of the House.

Mr O'Connor: A little bit of fear-mongering, that's all you're asking for.

Mr Jackson: Quebecers are fear-mongers, is that it? The Red Cross is fear-mongering, the Catholic Church is a fear-monger, is that what you're saying? Read the letter.

The Deputy Speaker: Order. The member for Burlington South, you had your time.

Mr David Wininger (London South): I too would like to thank the member for Simcoe Centre for explaining so well some of the salient features of Bill 173 and also to thank the minister for bringing this important bill forward.

To say, as the member for Mississauga South suggested, that this bill does not reflect the needs of people with disabilities, I would like her to know that just yesterday in London the Minister of Health announced \$4.5 million. That \$4.5 million will be used for a pilot project to restructure long-term care for people with disabilities in London to ensure that the way in which services are delivered to them will be streamlined, coordinated and consumer-driven.

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I was in London later in the day for the official opening of the attendant care services at the Windy Woods co-op in London, which has 17 units for severely disabled people who have moved there from chronic care facilities and nursing homes, who will now have the freedom to live independently but at the same time receive 24 hours of continuous care each day if they need it.

I can tell you, they, just as one group of severely disabled, are extremely grateful that the Ministry of Health has conferred upon them that freedom in lifestyle choice. These are people who are enjoying their indepen-

dent living in the co-op. I also know that considerable flexibility has been shown in places like London in terms of commercial for-profit care givers to ensure that we bridge the transition in a smooth manner.

Mr Wessenger: If I might comment on the two issues raised, certainly we all recognize the great contribution that volunteers play in long-term care and how essential they are in making the system work well and how they will be so important in the future.

But I think one of the aspects of our long-term care reform is that the planning process is a locally driven process, not one of a centralized position that you might have in the province of Quebec. The input of volunteers into the whole planning process, the fact that they can participate in the development of the long-term care program is going to ensure that they'll be involved. I think it's this ability to participate in decision-making that gives people the interest to continue to participate.

Also, I'd like to say that by having a local planning process there's going to be flexibility in the plans of development. Each locality will have its own particular emphasis and its own particular slant. I think that's very important about the legislation as well.

Secondly, with respect to the question of who this legislation serves, it serves people in several categories: That's the people who require long-term care in the community. The largest number it obviously serves is the elderly, but it also serves people with disabilities and it also serves children with disabilities. It is also going to deal with the question of palliative care, another type of care required in the community. So it is a comprehensive piece of legislation; it's not designated for one single group.

Maybe for clarification I should have indicated that the self-directed program in London came under the long-term care legislation that was introduced in phase 1, so it already exists in law.

Mrs Barbara Sullivan (Halton Centre): Mr Speaker, as you will know, the Liberal Party has been committed for many years to a comprehensive reform of Ontario's long-term care and support services. In fact, it was Charles Beer, the member for York-Mackenzie, who was then Minister of Community and Social Services, who first brought working proposals for long-term care reform forward in 1989.

We knew at that time that reform of the long-term care system would not happen overnight but that in Ontario we needed a coherent and integrated system to ensure that people with functional limitations caused by disability or age would receive the right services, and only the right services, when they needed them.

We needed to build on the foundations of existing in-home and community support services and long-term care facilities, such as our nursing homes and homes for the aged, and to have a system that worked alongside of our acute and chronic care facilities.

What we needed was an orderly and methodical way in which people can access services, can have information about what services are appropriate and can be assured that whether they live in Burk's Falls or downtown

Toronto or Carp, there will be an equity in the services offered and an equivalent range of services that are accessible to them.

We believe that one of the major goals of long-term care reform is to ensure that people receive the assistance that they need to function as independently as possible and that they are able to have information to access those services and facilities as easily as possible. That is what consumers and providers tell us is desperately needed.

But changes in our long-term care system must occur for other reasons as well. Firstly, we're an aging society and I think that people in this House, no matter what their field, recognize the impacts of an aging society in many areas of our endeavours. But the number of people over 65 will double over the next 25 years. The number of people over 85 will increase even more quickly. In those years the demands for medical and other health and social services increase dramatically.

Because of our increased longevity, when people require facility-based care their conditions are more acute. Their medical status is frequently characterized by complex and dual diagnoses, and the need for a more complex and more specialized care is readily apparent. But more than that, those people who seek care and services in their own homes and in their communities require more sophisticated services delivered in those places than they would have needed in another generation and in a younger society.

Secondly, we don't have adequate spaces in our nursing homes and homes for the aged, nor, more particularly, do we have adequate funding for services which can be provided in a patient's home, whether those services provide treatment and rehabilitation or include other supports, and many people who don't need to be in hospitals are therefore still in hospitals, at high daily and annual public cost.

I think that for most of us in our own communities we know that there has been, over the past two, three, five, six years, a change with respect to the number of patients requiring a form of long-term care but not necessarily acute care who are in a hospital setting, and that those numbers have in fact decreased. None the less, there are still significant amounts of our resources that are used for people who are living in facilities or in the hospitals because there are inappropriate other services and facilities available to them.

Thirdly, we know that if people who have functional disabilities can receive services in their homes surrounded by their own things and their own families, or if they can obtain the services that they need in their own communities, their health status and their sense of dignity are enhanced and much higher than if they have to spend lengthy periods in a hospital.

But people need to have their dignity respected in other ways: by having their language, their culture, their ethnic and their religious heritage honoured. Twenty-five per cent of Ontarians are born outside of Ontario and outside of Canada, indeed. We don't all share the same religious and cultural heritage in this province. The diversity, the heterogeneity, of our province and its people has to be taken into account in our plans.

Fourthly, we know that many people don't know where to turn or whom to call when they need assistance to live independently, nor how the system works, nor what services are available. In many communities we already have a healthy combination of commercial and not-for-profit services provided through agencies, volunteer organizations, hospital programs and other sources that provide needed services, treatment and personal care. Those organizations include both health and social service agencies and they involve professionals, paraprofessionals, volunteers and families from many backgrounds and a variety of experience. For many areas the only difficulty faced by those who need assistance is where to find it and knowing how those services can be coordinated.

Fifthly, we know that the major care in kinds of care and lengths of care and places of care are provided by a patient's family, by the patient's friends and by volunteers. In fact, it's been estimated that over 80% of the help that people receive now is provided informally by volunteers, families and friends. I believe that fact has a significant implication for long-term care reform and particularly for the discussions that we will be engaging in as we debate this particular bill. We also know that in at least one quarter of the cases of elderly people who require long-term care there is no family member living or available. There are also situations where family members are available—that is, they're onsite—but they are incapable of providing care through their own infirmity or through the pressures of work.

2040

I think that many of us will have seen an article that Helen Henderson, who writes for the *Toronto Star*, wrote in February with respect to how the health system will serve our seniors. She writes about a woman who's had some experience precisely in that care giver role. I'll just quote this article. She says:

"Listen to the words of a woman of 80 caring at home for her husband, 81. He has just been released from hospital after surgery for prostate cancer. She has arthritis, is legally blind and has difficulty hearing. Only after two friends from out of town went with her 'from department to department' did she manage to get promises of a weekly visit from home care and nursing services.

"I am writing to tell you what awaits' if more of the elderly are left in their own homes under the province's most recent proposal, she writes.

"We're alone. We have no relatives and our close friends are miles away...

"I miss my husband's emotional strength and all the little things he used to take care of—taking out the garbage, filling the humidifier and so on. I am exhausted and he feels terrible that he cannot help.

"Neighbours react as I believe they do in cases of death—all concern the first two days, then withdrawing completely. I feel so isolated—no phone calls or visits—I would even welcome a visit with the garbage man."

This woman has written to Helen Henderson about her own experience and I don't believe that this is a unique

experience. I know from my own community of people who visited me in my constituency office who are aging partners in a marriage who are both in need of services.

I also see parents of young people who are in a care giver situation without any access to services that will give them respite from the very heavy pressures of caring for the heavily disabled or functionally impaired child.

We know that those pressures are not only physical pressures; they're psychological pressures. They are pressures that are accompanied simply by exhaustion, and I thought that the 80-year-old woman who wrote to Helen Henderson spoke quite eloquently of the fear and the loneliness and the abandonment that she felt.

Part of that situation in that case may well have been that she didn't know who to call. The services may well have been available to provide her with the respite that she needed. The services may well have been available to provide her husband with the care he needed and with the homemaking services that were needed to ensure that the two of them could continue to live as they wanted to live: in their own home, independently, and not within a facility.

None the less, I thought the woman who was writing the letter spoke very well of the very personal pressures that people face on a daily basis.

Another person wrote to Helen Henderson and said:

"The government home care program is premised on the assumption that our children are able to look after us. But our children have to be out of the house 10 to 12 hours a day, look after their own children and maintain their own home. It is physically impossible for them to nurse us in addition."

Most people in the Legislature will know that in fact the children who are being spoken of mostly in these situations are women, the sandwich generation, caring for their parents and for their children and finding little time to find their own strength and their own way under the mire of obligation.

We in my party agree heartily with the principles of long-term care reform. We agree with many of the goals of reform that have been put forward by this government and certainly with those that were put forward by our government previously. We also believe that many of those goals have been achieved already and that we should recognize some of the successes that have already occurred.

But we have trouble with the particular implementation framework that is included in Bill 173, and that is what Bill 173 is: It's an implementation bill. It specifies one model for delivery of service for every part of Ontario, despite the demographics, the health status, the geography, the unique cultural features of a region, and we have very serious reservations about this model.

I'd like to go back a paper that was prepared by the Ontario Hospital Association in response to the government's first consultation on long-term care reform, and that document was entitled *Doing it Right: Ten Fundamental Steps in the Planning and Implementation of Productive Long-Term Care Reform*. The 10 steps which the OHA believe are the steps that are required to plan

and implement genuine long-term care and chronic care reform are the following: "(1) do not proceed without adequate information; (2) work from a blueprint; (3) build on what already works; (4) build a genuine spectrum of care; (5) recognize a hospital's place in the spectrum; (6) acknowledge the importance of health professionals; (7) strive for a balanced system; (8) test any system devised; (9) don't shut down the old system until the new one is in place; and (10) ensure that long-term care is part of the overall health care system."

Those recommendations and steps which the OHA has put forward as a guideline to planning and implementing long-term care reform are a good checklist of how we should be gauging and measuring the steps that we're taking with respect to long-term care reform. I think there are several areas where we are not able to put the checks in the right blocks of those 10 steps, and there are two or three areas that I'll just highlight now and I will come back to that are highly problematic in ensuring that we have a system and not something that's over here and set aside.

First of all is the recognition of the hospital's place in the spectrum and the importance of health professionals, and I will come back to discuss some of the issues associated with the complex diagnoses of many of the people whom we are going to have to serve through any long-term care reform.

The second area which I think is problematic is the issue of testing any system devised. What we have here is a proposal that has never been tested. It will become law. It will become a statutory requirement for every area in the province and it will not have been tested. "Don't shut down the old system until the new one is in place."

I think that we're going to want to hear, as we go through the public hearings component, how viable a transition plan that the government proposes is being taken account of. We know—and in many communities and my own community is one of them—that we do not have the systems in place. By example, reform and restructuring are going on in our hospital sector, and in my community we have extremely efficient hospitals that are now meeting the highest standards of ambulatory care, of day surgery, of reducing length of stays in the hospitals in Oakville and in Burlington. One of the things we find is that when people leave the hospitals, there's no place for them to go. We have the lowest number of long-term care beds in the entire province. We have little incremental funding for our home care services and for our community-based agencies, and frankly we are in gigantic trouble in Halton.

2050

We have pleaded, the region has pleaded, agencies have pleaded, the district health council has pleaded and, believe me, the new system is not in place and the old one in fact is being dismantled. Once again, I don't believe that's unique to Halton. In fact, as I speak with people around the province, I know that situation occurs in many, many other areas and that the blip required by change is creating more stress and more difficulties for individuals who require care and for the care givers than we can imagine.

The bill that we're dealing with will establish the multiservice agency as the single point of access for individuals who require community support services, homemaking services, personal support services and professional services. The minister will have the power to approve all MSAs and, if their premises are approved, to provide funding to those agencies and for the maintenance and operation of the premises.

I want to speak for a moment about the funding issues, because we've been through another bill on long-term care. That was Bill 101, and that bill dealt with what was called level-of-care funding for long-term care facilities. That bill was to have recognized, through a classification system, the needs of individual residents of the facilities and ensured that the care required, whether it was nursing, personal care, recreational and other activities, along with foodservices, laundry and so on, was in fact provided to a level of quality.

During the course of our hearings on Bill 101, we asked time after time whether the levels-of-care funding that would be provided to nursing homes and to homes for the aged would meet the level of need for care of the residents who stayed in those homes. In fact, we're finding daily and time after time that this is not the case. Wasn't it only a week ago that, once again, nursing homes saw their funding reduced by the province? In fact, the numbers of hours of nursing care that those homes are able to provide to an increasingly acute population—

Ms Christel Haeck (St Catharines-Brock): That's not accurate.

Mrs Sullivan: I think the member opposite said that's not accurate. It is accurate. The nursing home funding was reduced a week ago Friday. A week ago Friday it was reduced. Charitable homes and municipal homes for the aged stayed the same. They were grandfathered. Nursing homes had their funding reduced. Their funding has been reduced to a point where nursing home operators themselves believe they are operating below a safe level of nursing care for their residents.

If that is what we have seen out of what was a funding bill in Bill 101, what are we going to see with respect to the funding implications of this bill? This bill doesn't speak of the level of need of the patients. In fact, what this bill presumes is that funding will be disbursed through district health councils on the basis of the numbers of people within a community. Other demographics, other levels of acuity, other epidemiological data, it appears, will not be taken into consideration. What will be taken into consideration is the population of a given region.

People in the seniors' community and in the disabled community have high expectations for a range of services that are now going to be mandated under this legislation, and I don't believe that the MSAs are going to deliver them because I don't believe the government's going to provide the money to enable them to do so.

The other aspect of that issue is, of course, the loss to the system of the value of the volunteer services that are provided in patient care and delivery of that care. We know from other analyses that 30% of the operations of

our charitable and volunteer agencies are represented by fund-raising efforts and by volunteer services to patients which are provided by people who give of their time and their talent to those agencies.

That volunteer component I am not convinced will continue. We are going to be having a transfer agency, a new bureaucracy, and that 30%, it seems to me, will find its way into other community activities rather than into a volunteer structure through a bureaucratic multiservice agency.

For a long time, for I suppose two years now, we've been asking questions about the promises with respect to the \$647 million that is committed to long-term care reform. I received, in response to an order paper question that I placed to the minister, a very interesting attachment which indicates that the comprehensive service funding and financial management system will not be put into place until well into next year. The work that was to be done is well over a year out of date. The project completion was estimated for the fall of 1994. It appears that it will not be completed now until the fall of 1995.

Through the consultants' reports, the government has recognized this, and this is a remarkable recognition: "It has become apparent," say the consultants' reports, "that a comprehensive funding system which includes both in-home and community support services must be developed."

We have a bill before this House that will set up an agency that will assess, that will determine the eligibility, that will take over the functions of volunteer agencies, that will deliver care, and we have no idea of what the comprehensive funding system is that will be put into place to enable those agencies to operate.

If we can see irresponsibility in any area, it is the promise that the government has made to people who require this care, who have been working very hard for this kind of reform, without any commitment to ensuring that the funding will be delivered to provide the services or even a knowledge of what the level of need for funding in fact will be. That is absolutely shocking.

Another area that we're concerned about, and once again it kind of follows our concerns with respect to Bill 101, is the appeal process under this bill. If a person goes to an MSA to seek services, to seek help, the MSA is required to assess the person's needs, to determine the person's eligibility for services, to develop a plan of service, to provide or ensure the provision of the service, to establish waiting lists if the services don't happen to be available immediately and to provide an information and referral service.

2100

If the individual does not feel that the decision that has been arrived at through the multiservice agency is the appropriate one for that person, the person has a right to appeal to the Health Services Appeal Board, a board that may well be located hundreds of miles away, with which the person has never been in contact in the past, has never heard of, has never seen and doesn't know from community activities. I suppose the sop to that person in this legislation is one of timeliness: The hearing must

commence 20 days after the application for review is made.

If we have so much confidence in our communities, why can't we have an appeal process that is accessible to the individual within that community? Why can't we rely on an appeal to the board, if necessary? Why can't we rely on an appeal to a district health council committee? Why can't we rely on any other local appeal process that will ensure that the person does not have to truck off to downtown Toronto with a fancy lawyer who's going to cost them hundreds of dollars to appeal the fact that they feel they ought to have been considered eligible for entry to a nursing home, that they ought to have had a different plan of care, that they ought to have been treated in a different way?

We think that this appeal provision is insensitive at best and completely uncaring at worst. Interestingly enough, the bill does include a bill of rights. Surely that bill of rights could include a mechanism for appeal that recognizes not only the dignity of the individual and the importance of the community to the individual but also the right of the person to reasonable access to appeal processes.

We commend the government for including the bill of rights in this piece of legislation. We think that's valuable. Many agencies have their own mission statement that is placed on walls so that their clients will know what their standards are and what the rights for the patients or consumers are. Certainly nursing homes had those rights, which became really almost a model for the operation of nursing homes when the bill of rights was introduced by the nursing homes association, and a comparable requirement is included in Bill 101. But I think that the government must look at that appeal process, and that is certainly something which must change.

The whole issue, though, of community is of singular importance here. A friend of mine—many of you will know her; in fact, she may well be friends with individual members of this chamber—is a woman who has done extensive work at the University of Toronto in extra classes and study on the issue of what a community is. There are probably a hundred definitions that are legitimate definitions, she tells us, of what "a community" means. We can conjure up many of them right here and now. They may well mean a geographic community, they may mean a cultural community, they may mean a family community, they may mean a neighbourhood.

One of the things that this bill does, it seems to me, is make a sop to the verbalization of the word "community," but in fact, and under the guise of decentralization, it centralizes more power to the ministry.

Not only does the bill define the very specific services which must be universally provided across Ontario but the shape of the organization that's to provide them, and that shape must be identical in every area of the province. Once again, despite the geography, despite the incidence—

Mr O'Connor: That's not the way it works, Barbara.

Mrs Sullivan: You say that's not the way it works.

Your compendium to this bill is very different than what's written in the bill. I am talking about the law that will be passed, not what you will have people believe will be implemented. I think that is a very, very different thing.

Mr O'Connor: It reflects the community's needs.

Mrs Sullivan: But that shadow of decentralization which is purported to be provided here is one that I think people will see through. I think there are going to be significant repercussions with respect to that entire area as we take this bill into the public hearing process.

A very serious concern about this bill, and one that I hope to spend some time on in the public hearing process, is the concern that the aging population and the disabled population, who are the target population for this bill, may suffer from very complex medical problems for which primary care and specialist medical treatments are required and that most people who need the long-term care will need more than the personal care, the home-making care, the social services and the in-home nursing care that this bill will provide.

I am very concerned that this structure and this model will in fact hinder rather than enhance appropriate medical assessments and the integration of appropriate medical care into a personal care plan. I hope and expect to spend a lot of time with respect to that particular issue in the public hearings process.

Another aspect of that, which perhaps we will receive more clarification on as we go through the public hearings process, is that there appears not to be an integration contemplated through services that may be provided in existing organizations, such as hospitals, that now appear to be required to be a component of the MSA service provision.

Palliative care is not on the required list of services. Although one of the members indicated that it would be covered, it is not on the list. But let me give you an example of an initiative, once again from my own community, where a hospital, the Joseph Brant Memorial Hospital in Burlington, has initiated a rehabilitation project for stroke patients and for others, largely a seniors population, who require therapeutic services and rehabilitative services post-surgery.

The question is, where is the fit between those existing, high-quality, available, popular, well-accessed programs which are offered by hospitals or by other agencies and what will now be included as a compulsory component of the operations of the multiservice agency?

There are also questions, and I hope that we will hear about some of these from the parliamentary assistant, with respect to the role of the MSA, by example, in accessing the assistive devices program, in accessing the respiratory therapy programs and whether that integration of services between acute and home care requirements has been fully contemplated.

2110

The policy of the government has been to limit purchases of home care services to 10% of the market which will be allowed for private sector providers. My reading of this bill is that the new 20% limit of purchases

which is included in this bill applies to purchases of all services that the MSA does not provide itself. We want clarification, and very early clarification, of whether that 10% rule has in fact changed.

My own conclusion is that the government will not be able to provide even the first limited MSA start-up with that 10% government policy limiting private sector participation. It simply will not be able to afford those systems. The 20% limit of services that the MSA doesn't provide itself may in fact, operationally, become for services such as attendant care and other services which are not included in the mandatory basket but which may represent an essential component of a personal care plan.

For reasons of what I think are patient choice, of added value from competition among services, from the point of view of ensuring there is a full range of services available within a community on a 24-hour basis, the private sector component of home care, and of nursing services as well, has served us well in the past. We certainly want clarification as to whether the minister intends to continue to limit the private sector provider to 10% of the market even over the original four years of the legislation, and whether that 20% is a real screen, which I believe it is.

The other aspect is that the bill enables the ministry itself to set up a service which may compete directly with either a volunteer agency or another private sector service which may exist in a community. I think that's highly problematic, and you can be assured that that issue will be covered in our public hearings.

The issue of patient choice has been addressed particularly by those agencies and organizations which provide services that reflect either a unique cultural or religious or language perspective—or disability, frankly. We certainly in Bill 101 heard very strongly from Reverend Bob Rumball, the head of the very successful programming component for the deaf in Toronto, that there may well be an opportunity, or they hope there might be an opportunity, that they may serve as an MSA.

The Catholic Health Association of Ontario has written. They say, first of all, that they believe the pace of development of MSAs as required by this legislation will result in an even greater bureaucracy for those needing advice, referrals or placement, and also that they will restrict, if not eliminate, the degree of choice of services that consumers have enjoyed in the past.

In their multiservice agency fact sheet, they ask the question, "Is consumer choice and preference the cornerstone of our new system?" Their answer is as follows: "Consumers under the new system will have less choice of services and will likely be given their preference less frequently. Mergers of many community-based agencies to fulfil the MSA design will create one mammoth agency rather than many from which to choose services.

"A person will be refused placement in an institutional environment despite their preference for that placement if community-based services are available and deemed to meet the individual's need. A person will not necessarily be granted admission to their preferred institution, but may be placed in another home and then added to a further waiting list creating unnecessary disruption for the individual, their family and the facilities involved.

"There may be less homes to choose from in the event that homes are forced to close or voluntarily do so, and acutely ill persons"—they use the example of AIDS patients—"may be forced to accept admission into a home for the aged or nursing home if the appropriate level of acute care can't be provided in the community."

The question of consumer choice that meets language, other than French—I must say the French language is covered in the bill appropriately—and the question of cultural and religious heritage, it seems to me are not met in this bill and the government will pretend that in fact those issues are met through the composition of the board which governs the MSA. That's not on. It doesn't follow. It doesn't compute, as my children would say.

I've spoken about the funding formulae for the long-term care facilities.

I hope that we will hear and have a precise and very complete exposition from the parliamentary assistant or the minister on precisely how these MSAs will be funded, on what basis they will be granted the dollars to operate their systems through the district health councils, and what other initiatives, including contributions from municipalities, will be expected to ensure that they are able to deliver the services that the government has not only promised but will be demanding through this bill.

Those demands are quite something. Many of them exist now, but these are the required basket of services that each MSA has to provide. In community support, we see meal services, transportation services, care giver support services, adult day programs, home maintenance and repair service, friendly visiting, social and recreation and so on.

It doesn't indicate, if you read this bill, that those people who are now providing those services will have to integrate into the multiservice agency. In fact, the entire client account will move to the multiservice agency, whether or not the patient and resident wants themselves to move.

The homemaking services—the house cleaning, the laundry, the ironing, the mending and so on—that the woman wrote so eloquently to Helen Henderson about will be transferred into the MSA, once again, whether the client wants to go in that direction or whether the client doesn't.

In those instances, as well, for the community support services and the homemaking services, a payment which may be required from the consumer will be established through the regulations, and once again, we want to see full information on the level of payment that's required and what the government's expectations are with respect to the revenue that will be raised.

We know that in Bill 101, the nursing home/home for the aged bill, the government predicted that it would raise \$150 million from copayments under that bill. The government hadn't done its homework. The government hadn't measured the demographics. The government hadn't understood or analysed the data with respect to the income of people who are over 65, and in fact the government ended up with a shortfall into the many tens of millions of dollars. In the meantime, the residents of

those homes were slapped with a 38% increase, which they were required to deal with on not only a quick basis but virtually without any notice of the new requirements. 2120

In the personal support services, where no payments will be required, the personal hygiene and routine personal activities of living, assisting a person who can't dress themselves or who can't bathe themselves, will be provided as part of the care delivery through the MSA. Many of those services are provided well to the needed level and to the quality that the consumers now are quite satisfied with. Professional services, those nursing services, occupational therapy and physiotherapy, social work and speech language pathology once again will be required in the basket of services that the MSA provides.

The difficulty here once again is an overlap with many of the services which are provided through other vehicles such as hospitals and the integration of those services into the existing programs, which in fact may well perform at a higher level and with higher quality assurance than what this system will require.

The last point that I want to raise is with respect to the quality issue. If a person is a resident in a hospital or in a nursing home, the person can be assured that those facilities and those institutions are accredited by an appropriate accrediting body and that the quality assurance programs are in place and that there is ongoing and continuous review.

For community services, there is no similar accreditation program available, and it's my view and the view of many of the people who are demanding and who expect quality services that those evaluative mechanisms be put in place, that accreditation programs be developed and that people can be assured that those quality issues are dealt with. Those mechanisms are not in place now and it's a fundamental weakness in ensuring that our services are delivered, not only with the abundance that they ought to be but also with the quality that they ought to be.

We're going to have six or seven weeks on the road in public hearings, I'm told, during the summer. I think this will not be an easy bill for the government to deal with, although, once again, the principles are ones that we certainly support. The principles of long-term care reform we certainly support. This bill has many gaps and problems, and we will certainly be demanding a number of major amendments to it.

Mr Wessenger: I don't believe I can deal with all the issues the member has raised in the short time frame, but just to deal with a few of the issues, first of all, I'd like to reassure the member that palliative care will be under the jurisdiction of MSAs.

Secondly, with respect to the question of other health services, it's the responsibility of the MSA to refer and to provide information with respect to those services mentioned by the member.

Thirdly, with respect to the question of the 20%, the 20% rule basically restricts the purchase of services from other agencies. That includes both the profit and non-profit sectors and there's no requirement for that 20% to

be divided in any particular ratio. So her referral to the 10% rule, that's no longer applicable with respect to the purchasing of services by the MSA. I might just also add that of course during the transition period, MSAs will have the flexibility, on the minister's discretion, to exceed the 20% rule.

Mrs Sullivan: Four years.

Mr Wessenger: For the four-year period, that's right.

With respect to the whole question of investment in long-term care, I'd just like to point out that the government has in fact been investing, first of all, a greater percentage of health dollars in long-term care and also more in absolute dollars. Over the last three years, the increase in spending in the long-term care sector has increased by 60%.

Mrs Marland: I want to say again, long-term care reform is needed; that's not in question here. But what is in question are some parts of this bill that really have a great deal of concern for me.

It sounds wonderful, this one-stop shopping, and as the parliamentary assistant said, "One phone call gives a basket of services." The words sound great, but the concern is that when the person, the client, the patient or the family member makes that one-stop call, so-called, it's not going to work unless the stores are stocked. "One-stop shopping" are words, and my concern is that I can't see where some sections of this bill are going to fill the voids that exist today.

Yes, people can be looked after at home, but we're not helping the people who are at home now. We've got all kinds of waiting lists. I can give you an example in my own riding where two people, a husband and wife, both over 70, both veterans of the Second World War, were told when he came home with his colostomy that he could look after himself.

His wife has arthritic hands. The non-profit agency looked at her and said: "Well, of course you can do it. You just have to get used to changing the colostomy with your arthritic hands," and then looked at the patient—as I say, both of them were Second World War veterans—and said, "If you can't do it, Mr So-and-so"—I'm not going to give his name in the House—"just stand in front of a mirror, and if that doesn't work, ask a neighbour." I'm saying that that kind of care is not acceptable to those of us in this caucus.

Mr Gary Malkowski (York East): I wish to respond to the member for Halton Centre. In her comments she mentioned the implementation issue and she had concerns regarding implementation, although not one word was mentioned by her on solutions in how one might implement improvements in implementation to MSAs. We haven't heard from her on that point.

I'd also like to talk a little bit about the funding for communities. She made allegations that she didn't think the money would flow, when in point of fact in the 1990-91 year, \$557 million was earmarked for base funding, with an increase in 1994-95 to \$878 million of community funding. That is a record increase of \$329 million, and that truly shows a measure of our commitment in providing funds to the MSAs.

I also would wish to tell you I'm very proud of my riding of York East. We have one of the largest populations of senior citizens and we've done a wonderful job. We have wonderful services to those people and we've got wonderful community-based services looking after many of these people and we have Community Care East York, where they are working together to bring people together to an overall, concerted, coordinated effort.

The point of course is to reduce the duplication of services that may be there and also to reduce some of the administrative costs. As seniors, it's very easy for them to become muddled and confused as to where they should go for this, that or some other service. I think East York is providing a fairly good model, a real leadership role, of pulling people together in cooperation. I think it's a wonderful elementary first step, and I would challenge others to take a look at that implementation model.

To the member for Halton Centre, we have to think carefully through the facts. Let's not be partisan in this.

2130

Mr Steven Offer (Mississauga North): In the time permitted, I would first like to compliment the member for Halton Centre for her analysis of the legislation. I think it is clear that we all recognize there is the need for long-term care reform. The question is, in principle and in substance is this the model that we wish to adopt?

I recognize that this particular piece of legislation is going to be going to committee, but I certainly have some concerns with some of the aspects of the proposal and the legislation as put forward by the government. I am concerned that under the guise of decentralization the bill will further centralize powers within the Ministry of Health. I am concerned that under the area of community participation the bill not only defines services that must be universally provided across Ontario but the shape of the organization that is to provide them, and that shape must be identical in every area of the province. I am concerned about the creation of, far from a decentralization, a centralization. I'm concerned about how community participation, as defined in the legislation, really works in fact.

I am extremely concerned that this bill may very well eliminate existing volunteer agencies from service provision. I believe that under a reading of this legislation in four years we will see the demise of the VON, St Elizabeth's, CNIB, Meals on Wheels, Senior Link, Red Cross homemaking and other agencies whose volunteer corps provide not only support and fund-raising for their work but also the delivery of patient services. I think that as we take a very close look at this legislation we are going to see that these organizations, which in many cases are so crucial to each one of our communities, may be put out within four years if this bill in this form is passed.

Mrs Sullivan: I want to thank the members who've responded to the remarks that I put forward and particularly respond to the remarks of the member for York East, who asks why I have not put forward alternate solutions. I suggest to you, Madam Speaker, and to the House that in fact our proposals were on the table five years ago. We were ready to move, and this government

chose not to move in the intervening years. We are now finally having a bill with respect to the community agencies and the delivery of community-based care.

With respect to that same issue of what was on the table then and when it was finally delivered, I think it's scandalous that the parliamentary assistant today announced that the pilot for direct funding was finally made public last Friday. That was promised four years ago by this government. It was ready to go before the last government left office.

The member speaks about reducing duplication. You don't reduce duplication by creating new bureaucracies, and that's what this bill does. You don't reduce duplication by decimating your volunteer services in the community.

The public hearings will help us shape our final amendments that we will put forward for this bill. I can assure you that we enter the debate on this bill in a positive way, but we don't think this model is the answer.

Mr Jackson: As the advocate responsible for seniors in the PC caucus, I'm pleased to be able to participate in this debate. I appreciate that the hour is very late for the members of the House. We have been allocated a certain specified amount of time, but we are certainly not going to take all that time that we've been allotted this evening. But I do feel that in order to put on the record some of the concerns of the Progressive Conservative caucus with respect to this bill we do need a bit of time to put those points down on the record. We will try to be as brief and succinct as possible in respect to the hour.

However, the issue is of enormous importance, and because it's of enormous importance it should not be treated lightly in debate nor in brief terms simply because of the pressures on the House time in order for all of us to get out of here by the 23rd of this month.

I am pleased that the bill will be going to public hearings, because I had been informed at one point that there was consideration that it might not go to public hearings. The reason the public hearings are rather important is because there have been some substantive changes and shifts in policy direction that are manifest in Bill 173 which the public has been studying and working cooperatively towards for the last two years, and now at the 11th hour some very fundamental issues within this bill were changed.

I'd like to begin with some of the comments of my colleague from my region of Halton but not my colleague in caucus, the member for Halton Centre, the Health critic for the Liberal Party. She raised some interesting points, and I want to reflect, if I can for a moment, on the fact that long-term care has been discussed in this Legislature for eight and a half years. That's eight and a half years to get us to this evening.

Yet contained in Bill 173 is a framework which will take another four years before we've completed and fully implemented the process. There will be progress made 16 months from now, we're led to believe, but the full implementation of the multiservice agencies in the vision contained in long-term care in this bill indicates it could be as long as four years away. That means, by the time

it's completed, we'll have taken 12 years as a Legislature to deal with this issue.

Hon Evelyn Gigantes (Minister of Housing): The 11th hour.

Mr Jackson: The member for Ottawa Centre, the Minister of Housing, is concerned about it being the 11th hour. If you don't wish to be here to talk about—

Hon Ms Gigantes: I'm not complaining about the time. You were complaining about the 11th hour. I'm not complaining about the 11th hour.

Mr Jackson: I'm going to get to the Minister of Housing about what you've done or haven't done for seniors. If you listen to the debate, you might find out something about the seniors in your own riding.

The bottom line is that the vision contained in long-term care has to do with deinstitutionalization. It speaks to a vision of service delivery in this province which says that the given service should be integrated within the community setting and, where possible, should be provided in a home setting.

Ontario, it strikes me, is a jurisdiction which has pioneered the concept of deinstitutionalization. As a provincial jurisdiction, we should have learned a lot about the process of deinstitutionalization. We should know from a policy perspective how costly it is and what the difficulties associated with it are. So when we take disabled people out of institutions and we offer them community living, and we did that over a decade ago, and began that process, what did we learn from it?

What we learned is that it's an extremely expensive and controversial process, and it requires the creation, development and coordination of a whole series of support services that must be in place. We found that these services are provided at a greater cost to the taxpayer, and ultimately the consumer, than were the original costs in the institution. We have several models that have confirmed that. Yet we're still going to proceed with the deinstitutionalized model of community-based health support systems as it comes to long-term care and support for seniors in their homes.

The reason I want to reflect on that for a moment is because there are some serious flaws in the way this service will be delivered in the province, and it should be reflected upon before we go into our public consultation process with this specific bill.

There are three phases to long-term care, and there are always going to be three phases to long-term care. The Liberals commenced phase 1. Phase 1 was obviously the reduction of the number of institutional beds. In fact, and it's quite well documented, instead of creating the infrastructure in the community, the Liberal government of the day started at the wrong end of the equation. They started cutting the number of chronic care beds and a whole series of beds for elderly citizens who required attention, service and support.

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I remember, because the would-be leader, actually the should-be leader, of the Liberal Party from Huron-Bruce made a major announcement that I was present for, and several members of the House on the governing side were

in opposition with me at the time. The Liberal government of David Peterson announced 4,000 new chronic care beds and 4,000 new acute care beds; the largest, single announcement of hospital-bed expansion in the history of this province and in the history of Canada—the largest, single, one-day announcement of new beds.

It was a wonderful setup on the part of the government, because soon thereafter they began reducing the number of beds in this province. Whether the civil service was responsible for this bold vision, but the Liberals were actually implementing it. What we saw were reductions in the number of beds for homes for the aged, no new expansion of nursing home beds. We saw chronic care hospital beds—

Mr Offer: Tell about Tory times.

Mr Jackson: These are all facts, because you can't tell the public of Ontario that you're going to reduce the number of beds available to you when you're sick in an institution like a nursing home, a home for the aged or a hospital bed in a chronic care hospital and then find out you don't have the resultant coterminous services in the community. What you've done is remove health care from a large group of our population.

I remind members of this House, we're talking about 12% of the Ontario population, 1.2 million senior citizens over the age of 65. We're talking thousands of beds that have been reduced. Since the Liberals set us up with this promise of more beds, we now have fewer beds and we're still losing those beds.

The second thing I want to put in perspective—because the comments earlier from the Liberal Party were more like a lecture on how, all of a sudden, they think what the government's doing is wrong. What the government's doing isn't all that wrong. We want to try and fix what's wrong with the bill, but the fundamental approach has to be fixed because it's built on a premise that we're going to reduce the number of beds in our hospitals and we better have the services in our community.

The second thing I was concerned about that the Liberals did is they made their first intervention—the very first dollars committed in Ontario for long-term care was an announcement by the Liberal minister, "We're going to put \$75 million into the initial planning and development of long-term care." Then quietly the Liberal Minister of Health walked away and a reporter asked, "Where are you going to get the money from?" They said: "We're going to shortfall the chronic care hospitals. Don't ask me any questions about it."

Where did they get the money? They took it from chronic care hospitals. There's only a handful of them in this province, but they're highly specialized, highly equipped and very efficient methods of providing services for seniors, and these are people who cannot simply return to the community for service. These are people with severe, chronic health problems.

But the government said, "We're going to take \$75 million out of that system to study and develop the plan for long-term care." Why that's important for the record is that the very first people who were repaid with their long-term care promise were the seniors who had to make

the sacrifice in order to get the policy of long-term care that they were promised. They were promised by politicians of all three political parties and, frankly, we've oversold the concept of long-term care and we're offering far too much in terms of rhetoric and not nearly enough in terms of direct-access services.

So here we go. We now put a gun to the chronic care hospitals in this province and say: "Reclassify your beds so we can reduce even further." We can get the numbers and we will have the numbers of the reductions in the beds, and it's been a dramatic reduction.

Anyway, I've tried to make my point that we went around it backwards. We cut down the number of beds. Our seniors are aging, they're living longer. Technology is keeping them alive longer. Families are travelling greater distances to find employment and the supports aren't there. This network of supports should have been in place first; instead, we just cut the number of beds. Every member in this Legislature can point to a facility in or near their riding which has seen a reduction in the beds that are utilized by seniors predominantly: nursing home, chronic care bed in a hospital, a home for the aged or a chronic care hospital.

The next phase of long-term care was Bill 101. This was supposed to be the resolution of the dichotomy between the Ministry of Community and Social Services and the Ministry of Health, because we had homes for the aged under one ministry and nursing homes under the other. We also had a lawsuit in this province, and it was underscored by a campaign entitled Martha and Mary, the difference between these two women in the two facilities and the gap in funding and the discrimination to these two senior citizens depending on which facility they were in in Ontario. I remember Bob Nixon, the Treasurer, saying, "If there's anything I'll do while I'm in power, I want to resolve this fight between Comsoc and Health over these two types of facilities."

The vision for long-term care was that we get it all into one ministry and get it nicely and properly put into one ministry. Some provinces in Canada chose Comsoc and the Liberal and the NDP government both chose Comsoc as the lead ministry, but without impugning the competence of the minister of the day, the decision was made by the Premier to remove it from that minister and to give it to the Health minister of the day who was more than capable of dealing with the subject. But now it's in Health and it shouldn't have been in Health, and it's not in Health in most jurisdictions in Canada.

There are some problems with that, and those problems will surface again in the future when we start dealing with the funding, because within the context of Comsoc, we now have an opportunity to pull additional revenues from the municipal sector, which is an option that's easy when you're dealing with Comsoc funding and far more difficult when you're dealing with Health funding. This is a policy challenge for the government of the day because long-term care is rooted in particular in the Health portfolio with Health models of delivery when in fact I know the government's original vision was that it be more rooted in a Comsoc municipal cooperation model.

There are lots of problems with funding here, and I'll get to those in a moment. I wanted to put in context that it was a significant policy shift to move it out of Comsoc into Health, and that has created some difficulties. It has created some difficulties because we now are going through the DHCs to develop our multiservices agencies and so on and so forth.

Bill 101, phase 2 of long-term care, also was going to try and help the fact that we had something like 35 or 36 nursing homes that were in receivership in this province, and we had to find some money to help them or they were going to start closing their doors. This is a serious problem for the government because under the law you can't close a nursing home. The province has to come in and take it over and run it.

The second promise that politicians made to the senior citizens, the people who needed chronic care support, long-term care support, was we were going to inject and today there are figures of \$650 million. I think the Liberals said, "We'll put \$550 million in it," and then when the NDP were elected they said: "We'll do better than that. We'll put \$750 million into it."

What they didn't tell senior citizens was that when this government passed Bill 101, almost a year ago—sorry, it came into effect a year ago—they pulled \$150 million, not from the revenue, not from savings from the Treasurer who passed it on to the Minister of Health to spend as new money; it was on increased user fees or—what are they called?—copayments that people pay. Basically, it's pay-as-you-go for these people and \$150 million was increased annualized revenue on one day in this province.

We're about to go to public hearings whereupon the government of the day and the staff from the various ministries affected will come before public hearings and respond to questions. I had the privilege of participating in all the public hearings on Bill 101 in a variety of cities across this province, and I had occasion to ask several questions. I'm here to say that there were assurances given at the time before the bill was passed as to how this would affect the income levels of seniors and the service delivery model that don't square with what is happening today after the bill was passed.

I want to serve notice to the government that you can't do that two or three times on the same bill. There are going to be tougher public hearings. When we go to public hearings on Bill 173, the public's going to say, "You were in our town a year and a half ago. You said that my fees weren't going to go up. You said you wouldn't take my husband's salary calculation, which has impoverished me as the surviving senior woman trying to survive at home independently. You promised this wouldn't happen, and in fact that's what's happened."

2150

So there will be tougher scrutiny in these public hearings. There will be seniors coming forward who aren't just going to state openly and simplistically, "We support long-term care." There will be seniors coming who are going to ask legitimate questions: "Why did my copayment go up by \$12,000 last year? Why would my husband's income be calculated, as the higher income, to determine his nursing home care costs, instead of our

combined income, which is the fair and reasonable thing to do in this province?"

If the government's going to make any funding promises about this bill, their track record from phase 2, Bill 101, certainly left a very bad taste in the mouths of many thousands of seniors who currently find their home in a nursing home or a home for the aged.

Now, it has been simplistic politics for all of us in the House to say: "We want you to age in place. We want you to receive your services at home." But nowhere has the government looked and nowhere in this legislation are we looking at the total impact on seniors who now are being told: "You won't be able to get the service in a hospital. You will get the service at home, but you have to live in an affordable home."

In an interchange earlier, the Minister of Housing and I had occasion to comment, but I'm very pleased that she's here tonight because I know that being able to stay in your home is as important as finding a home. Many seniors have concerns. What I'm getting a lot of mail about is, "I can't afford to stay in my home in order to receive these services anyway."

Remember, the total number of senior citizens is rising and the total number of beds available in institutional settings is dropping, so seniors are becoming more mobile. They're having to get out of their home and move into a condominium, and then they find they can't afford that. They've got to move out of that and go into an apartment, and a smaller apartment at that.

Affordability problems are surfacing at an alarming rate. Hydro's gone up by 10%. The government adjusted very dramatically the senior property tax grant that the Tories brought in because seniors have been paying school board taxes all their lives and by the time they're 65, you'd think they deserve and they should get a little relief from that. That has been taken away from them.

Again I have to say that we better start discussing the issue of whether a senior can stay in the home in order to receive these services, whether that be in an apartment building in its affordability or whether it be in a residence with rising municipal property taxes.

Now I want to come to phase 3: what Bill 173 promises. First of all, I really don't want to say that the bill is a great bill in its current form and I don't want to say that it's a bad bill and shouldn't be passed. We are committed as a province to finishing and completing long-term care. What's at stake here in this debate and in the public hearings is, are we doing it the right way and the best way? I believe some minor adjustments should be made to this bill, and I hope the public consultation will help in that pursuit. But there are some concerns. These are not fatal flaws in this bill, but these are serious concerns.

The whole issue about the multiservice agencies: It was only two weeks ago that the government announced that the multiservice agencies, this coordinating body that will act as a coordinator of all these services for seniors, from Meals on Wheels to Red Cross homemakers, whatever—only two weeks ago the government made a fundamental change in direction by announcing that:

"Look, we're no longer going to act as brokers. These are actual service deliverers."

That is a major shift, and it has caused a rather bitter, a rather angry and an adverse reaction from a lot of people out in the community. That usually means that people had better sit down with them very quickly and make sure their fears are not warranted. But the truth be known that that fundamental shift has occurred.

The second surprise to hit the process of this bill was when the government announced: "I know you've been studying it for a year and a half about developing multiservice agencies through these district health councils. I know you've been working on that and maybe progress has been slow, but we're going to have to get some temporary sites up and running real quick. In spite of what work you've been doing, we're going to receive independent proposals in given communities to proceed with these multiservice agencies."

As I said in the House last week, in some communities that might work. I understand from reliable sources that in the Sudbury-Manitoulin area they've got their act together. They know what they want. There's a tremendous amount of consensus. They would be willing to move fairly quickly.

But my region of Halton is comprised of five separate municipalities. We know the community of Georgetown has been able to back-end a proposal into the ministry's office, and they're looking at it seriously. It's not fair, if you've taken a year and a half to develop a multiservice agency through consultation, to have somebody run in the back door with a proposal. You've got this little community of Georgetown in Halton, this little community of Acton, another community of Milton. What if we decide to have a regional model for an MSA? If Georgetown, the smallest of all these communities, has its own MSA, how are we going to get Acton and Milton to the table to buy into a regional model? They're going to sit there and demand they get the same model Georgetown got.

This process isn't about parochialism, this process is about the most effective delivery mechanism. On the one hand I'd like the minister to get on with the business of getting the MSAs up and running, but the solution isn't to grab three or four or five or six temporary locations—and I'm sorry, but I'll impute motive—if there's an election around the corner, simply so we can say: "Look what we did. Look what we got up and running." There are lots of examples, and I don't need to take any more time demonstrating a couple of examples of how we end up spending more money in order to get ready for an election. I don't need to remind everybody. We've been eight years getting this far; let's finish it right.

Another concern has been the one about the volunteer-based supports. I think it was unfair for the member for Mississauga North to suggest this is going to wipe out Meals on Wheels and others; he shared with us an extensive list. I think that was an unfair statement to make, because in no way is this going to threaten all those agencies. It's going to force them to amalgamate, to coordinate, to lose part of their market share in client service; it will do several things, but it will not wipe them out.

I raised with one of the members opposite, the member for Durham-York—and in all fairness, I've asked that during the public hearings we find out what happened in Quebec. There was some negative fallout. You don't just take, as the minister herself said, 1,200 agencies—there are going to be several agencies displaced. They won't be needed. Their administrator won't be needed; their communications officer won't be needed.

I'm going to tell you, as a Conservative, we cannot say on the one hand—take, for example, what we would do in our school system. The services in the classroom we'd protect. What we are saying is that we've got too many bureaucrats running our school systems. To be consistent, we should be looking at this and saying, "Where people provide services to seniors, that's the most important aspect," but not having so many agencies with so many executive directors and so many people managing the books and each one having a legal counsel and each one having its own board room and its own parking lot. There is real merit in saying that more of those dollars should go to direct-access services. For the record, Conservatives would be consistent to support a model which says, let's spend a little less on administration and a little more on direct-access service.

Mr Jim Wiseman (Durham West): You won't get an argument from this side.

Mr Jackson: Well, no. But we have to accept that there is going to be some displacement of personnel here.

The other area of major displacement of personnel is in the area of the commercial home care sector, which has grown to perform large services in this province, and it has grown primarily because there's been demand; it doesn't operate in a vacuum. People are paying for the services, regions are acquiring the services and paying for them, because there's demand and because the public sector can't fill that demand quickly enough.

2200

Several figures have been floating around about the number of these employees who are going to be fired, let go, lose their jobs. The only time I've spoken directly on that subject in this House is to ask, what are we doing with these women? They're almost 98% women workers and they're not in a high-paying job category. Whether they're in the commercial sector or the public sector, these are not high-paying jobs, so they are very worried about their future, and this bill does nothing to protect it.

This bill speaks extensively about phasing out these jobs, so one could cynically say this a bill about killing jobs, because there's no direct promise of replacing them. But we're asking, why are we not trying to protect these women workers? Why are we not trying to look at protection so they get first right of hiring for the new agencies that'll be created? This is the same thing that happened when the government refused to provide the support for day care workers in commercial day care centres and cast them adrift without any support or any bridging in terms of their benefits or in terms of their seniority.

I guess I'm supposed to stand here and argue for these private sector companies. I'm up here today arguing that

we should protect these women workers because they're being discriminated against by this legislation. We should try and do something to correct that because those women workers deserve better. If the government's going to take away their jobs, we have a moral responsibility in that sense to make sure we find them the work they enjoy, that they're qualified to do and that they want to continue to do, and my colleagues throughout the public hearings will discuss that even more fully.

The other issue around the commercial sector, of course, is that you're eliminating consumer choice, and we have to be careful when we do that to any citizen in society. One-window shopping also means the state is telling you that you get one shot for a service, and if you don't accept it you're not getting another service. Right now we have a certain degree of flexibility because people have choices, and unless the civil service is going to provide services late at night or on weekends, services that are not currently being offered by most non-profit agencies in this province for home care, then we are doing a further disservice to seniors by saying we're going to eliminate the sector or reduce dramatically access to the sector which does work those flexible hours so that you do receive the services at home when you need them. That is a consumer choice issue.

I remember when the government went around doing the public meetings on long-term care. It tried to mask its reason for eliminating the private sector based on the strength of one question, and the one question was, "Do you believe people should make profit from health care for seniors?" Well, 80% of the public's going to put up their hand and say, "No, not at all." But if you ask the question, "Your current commercial care worker is providing you a choice and access; would you like that to continue?" you'd also get a 90% yes response.

The government's entitled to its ideological view that everybody who tries to earn a profit is evil. They're entitled to that view, but if they would see this as a consumer issue, consumers deserve rights to choices, and seniors in particular have come to see choice as one of their fundamental freedoms in society. Again, this bill limits that dramatically and we're not providing guaranteed access to services. The proof in the pudding is if you check the wording of the bill of rights in this bill, promised for the people, and having your assessed needs met is not promised in this legislation. You can't make a cause-and-effect link between the right of a citizen to say, "This is what I need," and the state reserving the right to say, "That may be, but we're going to say we just don't have enough money or we don't have the service, so you won't be getting it."

The bill goes on to say it will be against the law to go and acquire these services privately or pay, and that's wrong too. That's why some people go to the United States for some of their operations, why the rich go to the United States for their operations, because in this province we make those decisions in far too many areas in health care; the state will determine what operations will be paid for and by whom and for whom.

I've mentioned the volunteer-base problems, I've mentioned that MSAs would have control over consumer

choices, the private home care sector; finally, the funding commitment: The least amount of information we're getting about Bill 173 is very specific numbers of dollar commitments.

I was in the lockup for the Treasurer's budget. If you know the process, and most of you do if you've ever been in a lockup, you get the overall picture of the budget and there's security so you can't leave the room, and a string of ministry officials come in rotation and respond to questions. When the Health team came to visit the Conservative caucus in the budget lockup, the first question was, how much new money is in this year's budget for long-term care reform? The answer was none.

When the minister promises that millions and millions of dollars of moneys will be pledged, that's the truth. She can pledge billions of dollars. The fundamental question is, how much money has been spent and will be spent? What I find interesting is, in all the minister's announcements, she's been careful not to mention what was spent in the 1993-94 budget year, because those dollars are not increasing at the rate of her political rhetoric on how much funding the commitment is. In fact her response in the House was, "It's gone up 5%."

Well, you can't remove multimillions of dollars from the institutional sector and reduce those beds and then simply increase by 5% the moneys that are going to long-term care reform and the MSAs, because a disproportionate amount of it is going into administration, increases in staff of civil servants and things of that nature. If that's your 5%, Minister, we're in real trouble.

The public has some very valid, serious concerns about where the money is going to come from for this. Regardless of who's in government, we're going to set up an expectation and an infrastructure once Bill 173 is passed. If we don't have the funding in place for those services, we are going to spend millions of dollars creating a new level of bureaucracy.

We will say that this is a volunteer board, and it is. All the MSAs will be run by volunteer boards, they'll have their own liability and so on and so forth, but they will be spending millions of dollars to set up their offices, to set up their computers, to set up their networking, to set up their public relations department, all of that. If that's all we're going to create and not allow the funding, then we might have been better off not proceeding down this path at all. I caution the government that unless you can tell the citizens of this province how many dollars you're going to commit, in fact we will have added to the bureaucracy.

I will close with a concern that was shared with me by Ron Van Horne, Ontario's first seniors minister. He was responsible for doing the developmental work on the first known pilot projects on one-stop access. The Liberal government had to take a step backwards from proceeding with long-term care because the initial reports based on the pilot projects were running in the multimillion-dollar figure. Wisely, the Liberals had to look at the cost implications of proceeding down this route. They found out that there were huge, horribly high expenditures associated with long-term care, so it made them a little more tentative. They proceeded a little more slowly. They

had to reduce more beds to balance the cost of long-term care. Those reports still exist.

My newest colleague in the Legislature, from Victoria-Haliburton, actually chaired one of those pilot projects in his jurisdiction and will be speaking to that issue, because they came to the same conclusion: huge expenditures involved here.

So we ask the government, please, when you're doing the public hearings be prepared to discuss in real terms what the costs of the administrative infrastructure will be when we as politicians are going to be out telling the public how wonderful long-term care will be because of your direct access to service. We have a moral responsibility to ensure that those dollars are spent on service to our senior citizens who request the services.

2210

In summary, I believe in the concept of long-term care, but we have to be a little more frank and a little more honest with the public about how it really works. They gave up their access, in many ways, to institutional beds and we've put a huge pressure on their ability to stay in their home and to have additional community-based supports in order for them to live out their senior years, if there are any medical problems or complications, with dignity and with comfort. We owe that to our senior citizens who made the most substantive sacrifices in our society in their lifetime. If we can't give that to them, then I say we'd better not proceed with long-term care. But if we truly believe we can do that for our seniors, then by all means let's proceed boldly with this initiative and let's proceed on their behalf.

Mr Malkowski: I would like to respond to the member for Burlington South by reminding him that during the time of the Conservative government, a 42-year regime, there were many large institutions that seniors and disabled people were simply shuffled into and left there. Now we're finally bringing people out. Our government is cleaning up a real mess. It's a very difficult procedure, trying to make the necessary changes.

I would like to remind him that there was a lot of talk during the Conservative government's regime. Where was the commitment then and where were you at that time? Now is definitely the time. Our government has made the commitment that's needed to deinstitutionalize people and give people, both seniors and the disabled community, the options and the choices to make people as independent as possible. I wonder whether he can admit to the sins of the past government, that there were 42 years of a real mess, and that's on the record. I don't know whether a public apology can be issued. We certainly would be happy to offer forgiveness for those past sins.

Mrs Marland: It's only fair to advise the member for York East that in 42 years the Conservatives never shuffled the disabled or seniors off into places that were not going to help them. I think that's an unfortunate reference.

I do think, however, that it is wrong to make promises and not fulfil them. The concern I have about this legislation in some parts is that it will raise the expectations of the people who need these services—not all

seniors, but people who are coming home from hospital, people who are trying to stay out of hospital, with supplementary help, in their home.

What really concerns me is when I look at the list of groups that are concerned about this legislation that work in that field every single day, that know what a multi-service agency will mean. It will mean that it will be totally impersonal. There will be a phone call. If they're fortunate, there will be an allocation of service. But I have met with my Victorian Order of Nurses, and I see they're included here on a list of organizations, including lists of facilities in Toronto, like the Villa Colombo Homes for the Aged, that are all part of the agencies that do provide services now. They know their individual clients, they know their individual seniors and their families and they meet those needs on a very personal basis, because the person who goes into their home is the same person who goes in the next day and the next week and the next month, because that's the way they work. That is the goal particularly of the private care provider, not always the non-profit provider.

Hon Ms Gigantes: Earlier in his comments the speaker from Burlington South had gotten quite agitated because I had called out to him, in a friendly way, while he was speaking about his objections to the 11th hour. I've always felt the 11th hour was a grand hour, myself. He thought I was referring to the time and that I was trying to suggest he should hurry up. That was not the case.

I just point out to the member for Burlington South that I was very interested in his comments about pay equity as it affected people who are working in the field of providing services—support services, health services—for people who have chronic health problems under the long-term care project.

I was interested to note his concerns, particularly as this government, unlike any other government to my knowledge—and I've spent some time working on this issue both as a member of this Legislature and outside this Legislature—has committed nearly \$450 million this year to provide pay equity for people who are providing public sector services in this province, among them people working in the long-term care field. If I search my memory, I can't recollect that the member for Burlington South actually supported our pay equity measures.

Mr Chris Hodgson (Victoria-Haliburton): I'd just like to make a few comments about my esteemed colleague from Burlington South, our advocate for seniors in the PC caucus.

Hon Floyd Laughren (Minister of Finance): Esteem, esteem, esteem?

Mr Hodgson: The Minister of Finance is here tonight. I think he would have taken great interest in one of the comments that my colleague from Burlington South mentioned, and that is about the coordination of economic policy with social policy. He mentioned about the focus being that people want to live in their homes longer and the downloading on to municipal property taxes in the form of education grants being cut, road grants being cut, the cost of hydro skyrocketing.

Many seniors on fixed incomes can't afford to live in their houses any longer and therefore will be forced into government housing. One hand of the government's working against the other hand, trying to encourage people to have a healthy community by living in their homes longer. I thank the member for Burlington South for reminding the House of that.

The Acting Speaker (Mr Noble Villeneuve): This completes questions and/or comments. The honourable member for Burlington South has two minutes in response.

Mr Jackson: First, I want to respond to the member for York East, who wondered where the Tories were for 42 years and whether I would offer an apology. I think that's rather sad, his sense of understanding of the history of this province.

Yes, the Conservatives did not have a priority for long-term care in 1980. Our priority was special education reforms and reforms for the handicapped in this province. The member will know that the multi-year plan was developed by the Progressive Conservative Party—Bill 84, a huge injection of dollars into the educational system for disabled children, to take them out of institutions.

Yes, if you'd like me to apologize to the disabled community, that they were more of a priority in this province than senior citizens, then I'll make that apology, if that's what you're asking me for. If you want to look for an apology, you ask your colleague from St Andrew-St Patrick, because the multi-year plan, while she was the Minister of Community and Social Services, was hijacked by Fred Upshaw in a backroom deal with the union to say, "Protect our jobs in the institutions."

I started this debate on the issue of deinstitutionalization. Either you support the concept as a public policy or you don't. If you want to help the unions protect their jobs, there are ways of doing that, but you don't hold the disabled community to ransom, as that minister did.

2220

I will not apologize for the 42 years of the government. We could have done more for long-term care, but we have done some outstanding work for the disabled in this community and it was recognized all over North America.

To my colleague from Ottawa Centre, I want to apologize. I did not understand your interjection. My point is, I support the concept of pay equity for those women at the lowest end of the scale. Day care workers were promised that they would be protected and they were not. We protected pay equity for the top-level civil servants in this province. They've been the main beneficiary of pay equity in this province, not workers like day care and home care workers.

The Speaker (Hon David Warner): The member's time has expired. Is there further debate?

Mrs Karen Haslam (Perth): It's been a long night. I don't know if there's anybody left out there watching at 10:30 at night. In deference to those in the House who would like to bring this debate to a close, I have put aside my half-hour speech where I researched—

Applause.

Mrs Haslam: I knew you'd appreciate that. I'm sorry to do this, because I spent a lot of time and I did a lot of a research on it. I talked about changes that were recommended in 1992 and changes—

Hon Ms Gigantes: I'll stay and listen.

Mrs Haslam: The Minister of Housing said she'd stay and listen, and perhaps she'd be the only one left to listen after a while.

I wanted to talk about a lot of different things along the health care lines—MSAs and the changing demographics around seniors and in particular some of the things in Bill 173—but what I'm going to do is deal with one aspect and one bit of information in Bill 173. Rather than go to a lot of issues, I'll stick with the one.

Bill 173 includes an important amendment to the Ministry of Health Act that strengthens the role of district health councils in planning health services, including long-term care and support services. The amendment clarifies their mandate and their functions.

The reason I mention DHCs is that actually Huron and Perth, and I'm from Perth, have just had a DHC set up. We are the last area in the entire province to have a DHC set up. I'm very excited about it. I think we have a lot going for us in our two counties. We have very good people on this district health council, and because there have been some changes in DHCs over the last little while, I'm very pleased to see that we are now at the beginning of our DHC, at the grassroots of some of these changes. I think we'll be very well served by this.

For those who may not know what DHCs are, they are planning bodies appointed by the Lieutenant Governor to provide advice to the Minister of Health regarding district health service needs. Membership comprises volunteers and representatives from communities within each health planning district. In recent years, government continually has asked the DHCs to take on an increasing responsibility for the planning of health services and to assume a leadership role in reforming the health system.

In 1989, the mandate of the DHCs was expanded to include planning and advising the minister with respect to the allocation of funds, human resource requirements in the health field, coordinated regional planning and integration of health and social services planning.

DHCs have also been asked to participate in hospital restructuring and to add mental health reform to their planning responsibilities. More recently, in 1992, the district health councils were asked to assume the lead in planning for long-term care and support services.

The DHCs are expected to carry out these increased planning responsibilities and play a major role in preserving and improving the health system in a climate of economic constraint and increasing consumer demands. In 1992, the Association of District Health Councils of Ontario and the Ministry of Health, with the participation of the Ministry of Community and Social Services, established a joint task force. The purpose of the task force was to define the role and mandate of DHCs, to identify resources required to fulfil their mandate and to strengthen partnerships involved in health system reform.

The results of these activities and the recommendations

of the joint task force are outlined in the report *Moving Forward: Strengthening Health Planning in Ontario*.

The task force concluded that the ability of DHCs to successfully discharge their responsibilities in planning and providing advice to the minister depends on having a clear statement of those responsibilities and their delegation by the minister to the DHCs.

Bill 173 provides that clear statement of DHC responsibilities and the minister's power to delegate responsibilities to district health councils.

At present, the Ministry of Health Act provides general authority for the minister to establish advisory bodies. However, the act does not specifically address the functions, activities of membership of councils or provide clear authority for the minister to make regulations to govern these and other DHC matters.

Accordingly, Bill 173 will amend the Ministry of Health Act to create specific authority for the minister to establish DHCs; to specify the functions of DHCs; to place an obligation on the minister when appointing members of councils to consider the importance of ensuring that the membership of DHCs reflects the diversity of the population in the geographic area served by the council, and through guidelines and regulations, government also will be able to ensure that membership of DHC long-term care committees reflects the diversity of the communities served and includes both health and social service perspectives.

In the case of Huron and Perth, because the DHC was just instituted recently, we didn't want to be left behind in our long-term care planning. Perth has been at the forefront of some of the models of planning around areas in my community that are like smaller communities in a larger community. We took that model and we worked it into a long-term care community association, a long-term care committee, which is working with government officials from the London regional office. Now the district health council has been appointed, they will continue their work and work it into the district health council.

The amendment in Bill 173 also creates clear authority to make regulations regarding rules governing DHCs, including their composition, their structure, their functions, their duties and manner of operation, and the obligation of service providers to submit plans and other information to the minister and to the DHC and to allow the public to have access to the plans submitted.

I'm pleased to see that I've stayed through my 10 minutes that was given to me and I haven't given in to going on for half an hour. But in conclusion, just let me say that for over 10 years governments have talked about improving the current patchwork of services spread unevenly across the province. May I remind you that it was this government that is delivering that program. This is a major step forward in the creation of a coordinated system based on fairness and equity.

It has been two and a half years since we introduced our health restructuring agenda. That agenda has been to ensure more efficient use of scarce resources and to shift the emphasis of our health system from treating disease to preventing it. This bill, Bill 173, is part of that restructuring.

turing plan. Such changes have dramatically sped up Ontario's health care evolution. They have led to a system that is better in tune with the needs of people in communities as diverse as Toronto and Stratford, and they have produced a system that is well prepared to meet the needs of future Ontarians and the communities of tomorrow. I look forward to continuing dialogue around these issues.

Mrs Marland: I'm glad the member for Perth referred to district health councils, because I see in notes I have here that Anthony Fusco, chair of the long-term care steering committee of the Metropolitan Toronto District Health Council, resigned February 4, 1994.

The long-term care steering committee of the Metro Toronto District Health Council has the task of planning the multiservice agencies in Toronto. In his letter of resignation, Mr Fusco stated his unwillingness to participate in a government policy which "smacks of the double veneer of political and ministerial staff for the self-preservation of a civil worker caste system."

2230

There is someone who had a very prominent position with a very prominent—well, I assume, the largest district health council in Ontario, if it was for Metro Toronto—and he obviously had a lot of concerns. When I see the kinds of concerns that have been brought to our attention—one of them of course is the short time frame between the first and second readings, which has really meant at this point that there hasn't been adequate time for the groups and individuals who are involved in the provision of these services to really prepare their comments. Certainly, the utilization of long-term care services in this province has to be looked at by the people who are delivering those services.

I say again that there is a need for nonprofit agencies and the private care provider because it gives the client a choice and it's proven that the private care provider is not any more expensive and, in a lot of cases, is less expensive than the nonprofit provider.

Mr Malkowski: I'd like to respond to the member for Perth's presentation, which I think was very informative in terms of talking about the principles of fairness and the issues of long-term care. She's certainly very right that the government has actually committed to doing something as opposed to just talking about something, which the Conservative and Liberal governments have done an awful lot of—talking but not acting. I think what she said was certainly dead on.

A point I would like to respond to—when the member for Mississauga South spoke of the resignation of the director of the Metro district health council. In fact, the Metro district health council just today submitted a proposal to the Ministry of Health, so the resignation of Mr Fusco was not an issue in that; they have in fact just submitted a proposal today.

I know in my own riding of York East, members of the district health council reported that it is very active and that they're cooperating very well between the long-term care in East York and the district health council. I don't think that resignation in any way is going to have

an effect on the implementation of the MSA at either the Metro or the provincial level. In fact, people are working together. There are some problems, but they're being resolved, they're being worked out in a very logical and mature fashion.

I would like to respond to her point that in fact what's happening here is some political game playing, that we're trying to confuse the public or cause concerns that aren't justified. I should correct that misleading information, as a point of clarification. In fact, the ministry is working well with the district health councils and we should feel very proud of the success we're seeing happen in this process, and my riding is a perfect example of that in York East.

Mrs Marland: On a point of order, Mr Speaker: Did the member say I had given misleading information?

Mr Malkowski: If I offended you in any way I would certainly withdraw that comment.

The Speaker: That seems to be an appropriate way to handle the question.

Mr O'Connor: I want to take a moment and comment on what my colleague and friend from Perth has said. She talked about a focus that is coming right from the community, the district health council; and not just the council itself, but the long-term care committee of the council. It's not just a long-term care committee going out and talking to the executive director of this organization, be it home care or the VONs, but going out there and talking in the communities, going out there and talking to the consumers and reaching out that much further.

Over the next couple of days, I know my own long-term care committee in Durham region is going to be doing just that. I was talking to one of my local constituents who's on that committee, John Little, and he's going to be out there in Port Perry and Ajax and going out to the community and talking about what's happening with long-term care, how the multiservice agency is going to take a look at what the needs of the consumer are, based on the needs of the consumer within the community. That's exactly what the member my colleague and friend from Perth has been talking about, the role of the district health council.

When she points out some of the needs and the concerns that people have, she has done it in a way that presents it as a challenge, and I know that the long-term care subcommittees out there are actually looking forward to this. They're actually looking forward to being part of a consultation process that will go beyond what we're doing here in establishing the framework through the legislation.

We can deal with the framework part with the legislation, but it's the stuff in the community that's really important, that action right within the community. The district health council is an integral part of that and the member for Perth addressed that. I thought it was quite thoughtful the way she put it across. I appreciate the comments she has made and look forward to participating in the debate later on.

The Acting Speaker (Mr Paul R. Johnson): The

member for Perth has two minutes to reply.

Mrs Haslam: Actually, I'm so glad the member for York East was clarifying that letter from Metro Toronto, because I didn't know about Metro Toronto and I don't pretend to know that everyone is the same. For instance, when I was associate Minister of Health and I travelled around, I will tell you that when I went into areas there were some people who said, "You know, the district health council doesn't listen to us, it doesn't listen to the grass roots and doesn't listen to the people." I think that's part of why the amendment in Bill 173 is coming in place, so that you can say the amendment clarifies their mandate, clarifies their functions and makes sure that those people on the district health council do listen to the community they service.

I want to also mention that we do work together in Perth to look at long-term care and health care, and this government does listen to consultation. You mentioned consultation; consultation works. We had one of the largest consultations around this issue that was ever held and we did listen and we did act. They told us what they wanted in long-term care and that's what you're going to see come forward. They wanted one-stop access, they wanted to remain in the their homes longer, and I think you'll see that's what this government is interested in providing for our seniors out there.

Ontario currently spends over \$2.1 billion for long-term care services, including institutional care, home care, the integrated homemaker program and other community support programs, but we're committed to moving away from the institutional side and going more into the community-based services. In fact, over the next two years we will be investing an additional \$199 million to expand the community and in-home long-term care services, and that's what important, that we have those services in place for people out there, in my community of Stratford and in the community of Metro Toronto.

The Acting Speaker: Further debate?

Mrs Yvonne O'Neill (Ottawa-Rideau): I'm pleased to participate in the debate on second reading of Bill 173, An Act respecting Long-Term Care. Unfortunately, this debate takes me back to the evening of December 2, 1992, when I stood in my place during the second reading of Bill 101, the predecessor of the bill we are dealing with this evening.

"This legislation," I said on that occasion, "lacks many details, it lacks time lines, and in the opinion of many people who have spoken to me in the last couple of days, it lacks real commitment." In fact, as I re-read my remarks from December 1992, I have the impression that I could probably deliver the same speech, had I changed but a few of the dates.

Bill 101, Bill 173 leave more questions than answers. Again, as I said then, "We have new positions in the community and people have no idea what the criteria for these positions will be." The multiservice agencies contemplated in Bill 173 leave crucial concepts undefined. We are still asking, how does the minister define "community"? We do not find that definition in Bill 101 and again we don't find it in Bill 173: a crucial definition.

I said then and I repeat now, many, many details of the concepts outlined in this legislation are left to be specified in regulations, causing us to take a great leap of faith. Vulnerable Ontarians whom this legislation is meant to serve and the families that support them are also asked to risk a journey into the future without a map. I believe it's important to look back to the original goals of long-term care reform in order that we can better judge the results that we have received as we reflect on this legislation, Bill 173, now before us.

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If I may revisit the history of long-term care reform, in 1989 the Liberal government of the day embarked on a comprehensive reform of long-term care and its support services. A document entitled *Strategies for Change* enunciated that the main purpose of the reform was to build a coherent, integrated service on the foundation of existing in-home community support and long-term care facility services; I repeat, on the foundation of existing in-home community support and long-term care facility services.

This reform process was based on seven guiding principles, some of which I would like to share again with the House this evening, and I believe to be sorely lacking in Bill 173.

I assert, to begin, that individual self-determination will be weakened by Bill 173. The trust and personal touch of the many existing agencies could very well be lost through this bill.

A second principle: independence and choice. This guiding principle includes the individual's freedom to make lifestyle decisions in the course of daily living and reflects the right to make choices and take personal risks. Services should be designed and operate in ways that maximize independence and choice for consumers.

People must be free to choose the services with which they are most comfortable. These services, including placement in facilities, must reflect the cultural, linguistic and faith choices of the people receiving the services. The minister's statement to the Legislature on the first reading of Bill 173, I'm happy to say, commits the government to the provision of services under the French Language Services Act, yet on the other hand we see no real commitment to the provision of services to any ethnic group or faith community beyond that of the Franco-Ontarian.

As my leader, Lyn McLeod, recently stated in a speech to the Catholic Health Association:

"We share your concerns that the proposed multi-service agencies in long-term care reform could well become faceless bureaucracies, severing the historic, philosophic and cultural ties of voluntary organizations which have developed around a religious, charitable, ethnic or other community base.

"The implications of such profound and radical change, such as eliminating services that are sponsored through religious congregations, are far-reaching. We must not remove individual choice, whether that choice be based on faith, culture or religious preferences."

Through Bill 173, multiservice agencies are to be

allocated within geographic parameters. I further understand that in areas designated under the French Language Services Act, for example, in my community of Ottawa-Carleton, or in Metro Toronto for that matter, although there may be designated MSAs for francophones, they will only serve those within the francophone community who live within the geographic boundaries of that MSA.

Many fear that this may leave francophone seniors who live within the boundaries of other, non-francophone MSAs without services in their own language. This matter was brought forward in a meeting held right here in Metro Toronto as late as last night.

MSAs to serve other faith and cultural communities continue to be overlooked, I underline. I remind the minister that the concerns of these communities were brought to us over and over again as the standing committee on social development travelled the province on Bill 101.

A third guiding principle is community living. This principle further calls for "the service system to strive to provide services and options that will assist people to live in their own homes and communities whenever possible."

I'd like to share a cartoon with the House. Here we have the Premier and the Minister of Health. The Premier says to the Minister of Health, "Remind me again, Ruth, why are we taking over all the volunteer health agencies?" The Minister of Health says, "Because a lot of our people are going to need government jobs when we lose the next election."

The near-abolition of small business participation in the home care industry punishes the economic recovery in our communities by putting jobs, if not in jeopardy, at least on hold. The Ontario Hospital Training and Adjustment Panel has yet to prove itself. Businesses, in most cases these private small businesses, often run by women, are doing an excellent job of delivering much-needed services efficiently. They do not fit within the narrow ideology of the NDP philosophy, however, and they must go.

I continue with service accessibility. During her press conference while introducing Bill 173, the minister claimed that she was not taking a Queen's Park cookie cutter to the provision of long-term care services. What we see, however, in reality in this legislation is a list of services which each MSA will be required to deliver.

This list does not take local needs into consideration. It gives little flexibility to local communities to design programs to meet their own needs. These lists are Queen's Park cookie cutters. Supportive housing, crisis intervention and assistance, psychological services are all missing from the crucial list in part II of the bill. Queen's Park cookie cutters come in very limited shapes and sizes.

Another principle: support for informal care givers. Every Ontarian recognizes the important role that family members, friends, neighbours and volunteers often provide to individuals. Strategies for Change stated, "Services that complement and sustain informal care giving must be recognized as an integral part of the service system." At this point, we seem to have lost the

promise totally of a task force, a task force that I think is yet to meet, that was going to examine and make recommendations on compensation for family care givers. Task forces, commissions, procrastination—perhaps you get the picture.

In addition, there's a deep-seated worry and a very serious concern that this government's long-term care reform policy, and its MSA policy in particular, could very well result in a weakening of the volunteer sector. That has been brought to the fore several times tonight. The volunteer sector is crucial to the delivery of community-based services and it certainly is crucial to the support of the informal care givers.

Agencies have expressed their concern again and again to this government and to myself and to our party's Health critic that their volunteer base may very well disappear with the emergence of a bureaucratic MSA structure. If Bill 173 is implemented, we will never again see Meals on Wheels, the Victorian Order of Nurses, St Elizabeth's, Senior Link, Red Cross homemaking and the hundreds of small and large agencies across this province as we see them and know them today.

2250

In a February 17, 1994, London Free Press article entitled "Home Care Changes Confusing Thousands," reporter Sandra Coulson stated:

"The agencies to be set up over the next 18 months will not only coordinate, but take over the work now done by private companies like Comcare and Para-Med, and non-profit organizations like the Canadian Red Cross Society and the Victorian Order of Nurses."

She goes on later in that article to quote Mary Kay Croft, southwestern Ontario manager of Red Cross homemaker services to say, "It can create a monster bureaucracy with little accountability."

In April 1994, this very year, the Ontario Council of Agencies Serving Immigrants stated in its newsletter:

"Many questions have been raised by cultural minority communities regarding the issue of equitable access. Other issues raised by community agencies include the impact of the proposed reform on voluntarism; the emphasis on a health care model; overbureaucratization of the delivery system; and a loss of community access to decision-making. Cost-effectiveness of the MSAs is an additional issue of concern."

A community governance structure, uniform eligibility and service rules—I ask, with many others, when will we get that clear definition of "community"? When and how will the eligibility and service rules be set and by whom? To date there are no answers forthcoming.

The sixth guiding principle is local planning and management. On June 6, 1994, when the Minister of Health delivered her ministerial statement announcing first reading of this bill, she said that her government has "made community-based health care a priority." She further claimed that her government has "shown this time and time again."

I'm left to wonder about the basis of these statements. Many of the agencies that I've consulted in preparation for my remarks have certainly not seen any improvement

in their funding for community-based services. While it's true that there have been some initiatives in some communities for the extension of support services through the integrated homemaker program, there are many agencies which have had to cut back both staff and programs, either as a result of budget measures or the social contract, which has just celebrated its first anniversary. Is "celebrated" the right word? They've had to augment as best they could, these agencies, their own fund-raising efforts.

In fact, in my own community recently the Good Companions Seniors Centre in Ottawa fears that it's going to lose its status as a United Way agency. That would certainly change their life.

Today, in June 1994, agencies have to carry on in an atmosphere of increased uncertainty, indeed in an environment that questions the future of their very existence in many cases. I have to ask the minister, how can this possibly be perceived as an improvement in community-based services?

What this government has demonstrated "time and time again" is a disturbing lack of confidence in the expertise of existing community services and an insistence on redesigning the wheel and micromanaging the existing long-term care system out of existence.

We're being faced with a new bureaucracy, more and more centralized decision-making, more and more power in fewer and fewer hands, much power in the hands of the minister herself. Section 6(a) of the bill states, "The minister may provide community services." Section 6(b) states, "The minister may establish, operate and maintain facilities for the provision of community services."

The minister is to approve both agencies and facilities. This, I find, does not reinforce local planning, management and accountability.

Finally, the seventh principle I bring is affordability. Strategies for Change states, "The service system must be affordable within the limits of provincial fiscal policy, and available resources must be used effectively to meet needs."

The NDP reform policy, with its added bureaucratization and centralized approach to delivery, cannot possibly be cost-effective. The disappearance of the private sector, the elimination of many existing agencies and the construction of a whole new system is not my idea of the efficient use of scarce funds.

The principles I've brought forward tonight were first developed in 1989 to reflect the Liberal vision of the values upon which long-term care reform would be based. I'd like to highlight them again: individualization, independence and choice, community living, service accessibility, support for informal care givers, local planning and management, and affordability.

I close with a strong commitment to these seven principles. I continue to search for them in Bill 173. I will search for them during the hearings on Bill 173.

I get nervous when the ministries of this government talk about major departure from the ways we have been doing business or a major overhaul or a major restructuring. It usually means cutbacks, centralization, restructuring,

alternative approaches to services, reallocations and new definitions. All of that makes me and most Ontarians very nervous. A question they continue to ask is: "Can we trust that our real needs will ever be met? Can we trust this government, which so often has changed course?"

On June 4, after the minister's press conference, Mr Alec Mansfield of the consumers' alliance on long-term care reform spontaneously and courageously challenged the minister: "I don't want the seniors again to be raised up here, only to be crushed again." I ask tonight, again, when will we know the answer to Mr Mansfield's important question and concern?

This long-term care legislation must enhance the services for the people who need them. It must not build a maze of new administrative red tape, not create a new, very heavy-handed, centralized bureaucratic nightmare.

I ask, finally, as I asked a year and a half ago, why does so much of the substance of this legislation remain to be determined? Why are we, and indeed all Ontarians, told, "Just wait for the details?"

I'm disappointed that although a long-term care policy is desperately needed in this province, and this government is in the fourth year of its mandate, we are again being given only platitudes and promises lacking in definition, lacking in detail, lacking in commitment. What we really need is a guarantee that there will be fewer gaps in patient services, that waiting lists won't grow. I end by challenging the minister's own statements: "We are getting on with the job"; "Government is delivering on its promises"; "We're talking major steps forward."

Madam Minister, we are not at all as sure of your self-assessment as you are.

The Acting Speaker: I thank the member for Ottawa-Rideau for her contribution to the debate. Questions or comments?

Mrs Marland: I think it's important to put again on the record the concern of volunteer-based groups. I have a paper here that states that the volunteer-based groups involved in the provision of long-term care services are extremely upset with the creation of multiservice agencies. They view MSAs as the forced demise of volunteer-based community groups. They maintain that the loss of volunteers will translate into the loss of dedication to work in governance positions, commitment to provide hands-on services, historic values and commitments, donations and fund-raising ability and consumer choice.

2300

The point is that if you kill that volunteer agency by having Big Brother take over, then you kill the incentive of the volunteer totally, because they're going to say: "Well, Big Brother's taking over. Let them look after everything." Why would you volunteer for an agency that now is run by the government? Why would you volunteer for an agency that may have been in existence 50, 60, 75 years, if you look at the Victorian Order of Nurses and the St Elizabeth Visiting Nurses and organizations like that, which have survived because of the volunteer nature of that agency?

The Victorian Order of Nurses I met with in my riding are able to provide no-cost services to people who need them, and the way they do that is they have all kinds of fund-raising through the private sector. If you want to turn off the private sector support for these volunteer organizations, this is the way to do it. If this government, which already is \$10 billion in debt, thinks that it can afford to give those services and provide those services that are now provided by volunteers without increasing their debt, they are really out to lunch.

The Acting Speaker: I'd like to thank the member for her comments. Time has expired.

Mrs Marland: And I do not need the staff from the Liberal caucus office to tell me when my time has expired, thank you very much.

Mr Offer: First I'd like to compliment the member for Ottawa-Rideau for the discussions she gave on this particular piece of legislation. I think that her thoughts and her comments are extremely useful as we deal with this particular legislation.

There's no question that some concerns have been made, some very serious and fundamental concerns, with respect to the direction this particular bill takes. That is not to say that one is necessarily in principle opposed to long-term care reform, but rather that one is very concerned with respect to the direction and the way in which the government seeks to implement this type of reform.

It is absolutely clear that there are volunteer agencies that are going to be affected if the bill is implemented in the form it is today. It is clear that if the bill is implemented in the way, shape and form it is in now, over four years we will see the demise of the Victorian Order of Nurses, we will see the demise of St Elizabeth's, we will see the demise of the CNIB, Meals On Wheels, Red Cross homemaking and other agencies whose volunteer core provides not only support and fund-raising for their work but in the delivery of patient services.

I think that we as members in this Legislature have to recognize the tremendous service that these particular organizations have provided for many, many years. We must also recognize the credibility that they have within our communities. They are in no small measure the lifeline of many services. They carry a commitment; they carry over years a determination and an effort to meet needs for so many people. It is a very strong fault in the legislation. If the legislation is implemented, we'll see the end of these particular agencies. I believe that this legislation must be seriously changed so that we can make certain and ensure that these organizations and agencies that have served our communities so well over many years will indeed not only continue, but increase in the future.

The Acting Speaker: The member's time has expired.

Mrs Marland: On a point of order, Mr Speaker: I rise in my place to correct my own record. I did not—

Mr Gary Wilson (Kingston and The Islands): Is that a point of order, Mr Speaker?

Mrs Marland: It is a point of order, and I think if you've been here four years, it's time you knew it was a point of order.

The Acting Speaker: The member will get on with the point of order, please.

Mrs Marland: Mr Speaker, I earlier referred to receiving instructions to end my comments. The instructions I unfortunately referred to as being given by the Liberal caucus office staff person, who is a very hardworking, dedicated individual, Mary Lou. I did not mean her. I meant the government caucus office staff member, whose name I do not know but has the beard, who has now left from underneath the gallery.

The Acting Speaker: Thank you, the member for Mississauga South. Further comments or questions?

Mr Gary Wilson: I'm pleased to have a chance to comment on this debate. I noticed the member for Mississauga North talking about the Victorian Order of Nurses, as he said. In fact, it's now called the VON.

Mr Offer: That is like the NDP doesn't stand for New Democratic Party.

Mr Gary Wilson: I point this out just to show that changes can occur in the way services are provided. After all, the Victorian Order of Nurses started in the 19th century, and over that time there have been a lot of changes in our society. Organizations have to adapt to those things in our society to make sure that the needs are met.

When it comes to volunteerism, there has always been volunteerism, and it's what we're trying to do to make sure that the services are met. It's the kind of changes we have to make so that we can make sure that people have the kind of services they need—

Mr Offer: What does the acronym J-E-R-K stand for?

Mr Gary Wilson: —and that's what we're doing with this legislation: responding to the changes.

People are always willing to give of themselves to help out in their communities. We think that through these kinds of changes that we're proposing, people will be more inclined to volunteer for the needed services in our community.

Mr Offer: What does G-O-O-F stand for?

The Acting Speaker: Will the member for Mississauga North come to order, please.

Mr Gary Wilson: There's no question that the kinds of things that we are proposing here are going to help volunteers in our community. We're not saying that volunteers aren't needed. We'll always need volunteers, and in fact people are willing to give of their time to meet the services and the needs of the community. It's a question of providing the processes whereby they can donate their time and their services.

I think we're responding to things that people have raised in our communities. Certainly I've met with representatives of the organizations that are now providing services, and sure they're concerned about how it's going to change, but they're also aware that society evolves, and we've got to adapt to those kinds of changes to make sure that the services we're providing are doing the things that have to be done in our communities.

Mrs Sullivan: I'm pleased that the member for Ottawa-Rideau raised the issue of the viability of volun-

teer services with this model of multiservice agency delivery of long-term care, because in fact it is pertinent. It will become more and more of an issue as we examine this bill and the impact that it will have in every single community across the province.

Whether the organizations affected are mission-based, as in many of the religious institutions and agencies that provide services, or whether they are charitable-based and provide services, such as VON or Red Cross home-making, which rely on a huge complement of volunteers not only for the fund-raising aspects of their service but also for the actual delivery of patient care, the government is asking the entire culture of Ontario to change. If you believe that volunteers will come forward and give of their time and their energy to a faceless, new, large, impersonal bureaucracy, I'll tell you, it's not going to work.

We have done the consultations with the fund-raising experts and we have done the consultations with the coordinators of volunteer patient services, and they tell us all the same things: No matter what the service is, no matter whether it's driving patients to and from care, no matter whether it's taking meals into patients' homes, no matter whether it's going in and reading a story to an individual, the volunteer complement simply will not be there.

The Acting Speaker: The member for Ottawa-Rideau has two minutes to respond.

Mrs O'Neill: I'd like to thank the members who've made comments on my remarks. I would particularly like to take note of the member for Halton Centre, who has done so much work for our caucus on this issue.

I tonight brought forward perspectives that I had heard. I think when you see my remarks in Hansard, most of them will be in quotations, because I brought forward the letters, I brought forward the meetings I've had with people over the last two years on this issue.

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I guess what I find lacking when I meet with these people is a sense that they're respected by this NDP government. Whether they're front-line professional health care workers or whether they're volunteers, they don't know whether they have been heard. They know that we had extensive hearings on Bill 101. They brought many of their concerns forward and they feel they're going to have to repeat that all again in summer 1994.

I find that really difficult, because those people are there; they're doing the job and they're doing it on a daily basis. Several of them have told me how many times they've tried to get meetings with the minister, how many times they've written and not had an answer, and I feel that is inexcusable.

They're full of concerns, they're full of worries, and I really do believe that the private sector feels very, very vulnerable and threatened. They are still doing much of the job, almost half of it. Things are in a real mess. That's what I've been told, no matter where I go. Maybe they will be solved somewhat if we have a good set of hearings on this issue.

A four-year exception, which the minister herself laid

on the day she made the announcement of Bill 173, indicates to me that things are not going quite as smoothly as some of the members of the government indicated here tonight. I thank you. I hope the hearings are fruitful.

Mr Hodgson: It gives me great pleasure to speak on Bill 173, An Act respecting Long-Term Care. I hope the member for Ottawa Centre hasn't built up expectations by suggesting that the 11th hour is an exciting hour; nevertheless, like the member for Perth, I'm going to forgo my prepared speech and just comment on a few items that I feel are important.

This is a very important issue to the people of Victoria-Haliburton, the riding that I represent. I believe we have, despite what some of the other claims are, the highest proportion of seniors in the province of Ontario, per capita. In Haliburton county, over 22% of the population is of senior age. Long-term care reform is very important to the lifestyle of these people in our riding and it's also an important component of the infrastructure of our riding. Like roads and low taxes, Victoria and Haliburton also provide quality health care and a quality of life that attracts seniors. That's one of our major economic plans, to attract people and growth, to create jobs in Victoria and Haliburton.

I have had the pleasure of sitting as vice-chairman—it was mentioned earlier that it was chairman; I just want to correct the record on that—I was vice-chairman of the long-term care redirection planning for Haliburton county. I'd like to just give a few comments on how that came about and also a few comments on the bill here tonight.

We've had health care planning in Haliburton county since the late 1970s, early 1980s. As was mentioned by my colleague from Burlington South, I congratulate the government for at least trying to come to grips with this problem. In Haliburton county, the Liberal government promised 18 chronic care beds in the mid-1980s when they were in power. The local community and the county pulled together and raised over \$400,000 to see that built. That was in 1986.

All of a sudden, the promise was revoked. They changed their mind. This was back in the 1980s. It might surprise some people, but there is a history to this happening in the province of Ontario when the Liberal Party changes their minds on important announcements.

What was alluded to earlier and spelled out probably better than I will be able to do, as the Burlington South member has mentioned, was the history on this. The Liberal Party was taking people out of institutions and putting them back into the community.

Mr Gary Carr (Oakville South): No money, though.

Mr Hodgson: With no money. In fact, some people—I wouldn't say that they're paranoid—suspect that the reason they were doing it was because they were spending so much money in other areas that they wanted to take the costs of the chronic care of Ontario residents off the budget of the Ontario treasury and put it into the nursing home budgets, which is raised primarily from the property tax base.

All of a sudden, we have a mess on our hands in the

province of Ontario. To give some credit to the present government, they have done more than just rhetoric in this act. I applaud the goals of trying to create healthy communities in Ontario and the goals of having a bit of foresight and planning in regard to all health-care-related issues. It's not just the hospital facilities or the long-term care facilities or the supportive housing or the in-home services that this bill today addresses. These things all have to work in relation to one another.

The planning that went on after the Premier, Bob Rae, announced in the 1990 election that the Haliburton Hospital expansion would go ahead was that we sat down and identified the needs of our community. This is an important step that I'm concerned this legislation might be missing. The long-term care committees are to talk to the consumers and establish the needs in that community, and then the district health councils, the MSAs, are supposed to implement that.

I have a concern on a couple of areas, but basically on the MSAs delivered by the district health councils. I don't know if that's the right agency or the wrong agency to deliver. It's probably as good as any, but the problem I see arising, and it's been talked about earlier by the member from Mississauga and other speakers here tonight, is that there's a concern about the volunteers losing interest or not feeling ownership in the delivery of this service, and therefore impeding fund-raising and the tradition of their organizations. I'm not sure. I think that can be addressed in committee.

The whole idea of the multiple service agency and the one-stop shopping based on what the consumer said: When they went out and had this mess on their hands, in the province of Ontario, of taking people out of chronic care institutions, the problem didn't go away. We've got an aging society. We have more people who require chronic care. So they relabelled it and had it run out of the nursing home system.

They also went out then and said, "We'll talk to the community." To this government's credit, it did consult. It was part of that consultation and went around and talked to the users, the users' families and the people who actually use the health care system and the social network to provide people to stay in their homes longer.

Mr Bill Murdoch (Grey-Owen Sound): But did they listen?

Mr Hodgson: We don't know if they listened or not, the point being that it might be cheaper to stay in their homes. That's clearly what people want to be able to do. They want to be able to stay in their homes longer, if you can add some supports in the community. My grandfather had a stroke and my grandmother had to stay in the home and look after him, and in rural Ontario there was no support for the care giver in that relationship. It was unfortunate, but it wore out the care giver. I think this legislation, the long-term care reform, addresses those concerns. Adult day care can be incorporated into the planning models, depending on the needs in that community.

The concern is that outlined in the multicoloured documents that are all part of this long-term care reform are a policy framework which was released in April 1993,

a local planning framework that was released in May 1993, an implementation framework which was released in June 1993 and guidelines for the establishment of multiservice agencies in September 1993. They're based on having an integrated model when the district health councils take over.

There's a real problem on the timetable of an integrated model. What this legislation does is hand it to the district health council and says, "Have your integrated model in place." The integrated model has to take into account how all the in-home services will be delivered. That's the VON, the Red Cross, home care, and depending on where you live in the province, a variety of private care givers for in-home services.

To have an integrated model ready brings into question the whole role of the long-term care committees. They were supposed to have established the needs in those local communities, and that's what you would base your model on. If your needs were high for in-home services, you would allocate more resources to the in-home services. If the needs in your community were for supportive housing, you would allocate more of your resources for help in the supportive housing units. If it was long-term care, it was flexible to meet the demands of the local community. That's what the role of the long-term care committee was.

I hope this can be addressed in the committee. I think it can be. I know the minister's concerned about that. They've provided some transition dollars, \$5,000 to \$25,000, to help district health councils bring together the deliverers of the service: the VON, the Red Cross and the home care. I believe they've appointed a special adviser to the minister to try to facilitate this.

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My concern and my worry is that you're getting away from the consumer-driven process. With the transition dollars and the special adviser to the minister and the district health council having to have an integrated model in place, who's going to be driving this process? Is it going to be based on the bureaucracies around the VON, the Red Cross, the home care, and create a monolithic, one-access, one-stop bureaucracy, or is it truly going to be based on the concerns of the consumer and the needs in that community? I have a concern about that and I think it can be addressed in the committee hearings over the summer.

The other is the cost of the one-stop MSAs. If it's for access, I agree with that. If you're sitting in your home and you have needs but you don't know where to access it, it'd be great to have, as the minister refers, one place to phone and they would assess your needs and decide which of the basket of delivery services you should receive.

What I have a problem with, if it's truly access, a 1-800 number and encouraging partnerships in the deliverers of this service might work as well. I'd like to see the cost; that's what I want to see on this. If you're going to merge it into one bureaucracy, one administration, one board, then there should be a long-term plan on how you're going to reduce the cost because you're obviously going to have major problems with the unions

and with the employment structures of these service deliverers today. That should be taken into account and there should be a plan shown how this is going to be accountable to taxpayers to deliver the service more effectively but also have the quality.

The other area, as has been mentioned before quite extensively, is the ideological bias about restricting the delivery of service to 20% within four years for the private sector. I feel this takes away from one of the stated objectives of long-term care reform, and that is accountability. Right now, a lot of the per diem rate charged for services delivered is set by the private sector. If you take out the competition, your per diems become base funded and I'd like to see where the safeguards are put in to make sure that is accountable to the taxpayers.

I'd just like to say, in a non-partisan a fashion as I can, that I believe it's an out-dated ideology that limits the private sector's role in this. Even modern socialism doesn't require ownership of the means of production. It goes back to Marxism that you need to own the means of production. Now all you have to do is regulate it, license it and tax it out of existence. You don't need to own it. What I'm asking for is just a jump of maybe 50 years in ideology to allow for the private sector.

Mr Winner: He's a revisionist.

Mr Hodgson: I realize you're against revisionists. The point is that it doesn't matter who delivers it; the point is that the process here is to deliver the best care to the person in the home. You should set the standards and make sure it's quality service and it's licensed and let the people get on with it. Don't restrict over half of the care givers in this province.

As the member for Burlington South alluded to earlier, you're affecting a whole number of women workers and seniority rights and you're upsetting the delivery of service, and I don't think that's necessary. It's controversial enough having change in the health-care-related fields, in the delivery of social services, than to add this on to them. Also, by denying the private sector the chance to deliver these services which presently exist, it denies consumer choice, and that's been mentioned earlier tonight as well.

In general, I do commend the NDP for at least addressing this problem and for trying to work out solutions across Ontario. It was a problem they inherited from the shortsighted spending ways of the previous government.

I'd like to mention the York East member's comments. For 42 years the Conservative Party in this province met the needs of the community at that time. They also balanced the sustainability of social programs with the ability to pay for them in the future. I think those are pretty good principles we don't need to apologize for; in fact, we should be very proud of them.

In conclusion, I look forward to the public hearings, and I'd like to thank the government again for having public hearings on this, because I'm sure that a lot of the problems that have been addressed here tonight can be solved at the public hearings debate. This is second reading. We can get on with making our communities truly healthy and making it so that they're affordable and

sustainable programs for all of Ontario.

The Acting Speaker: I'd like to thank the member for Victoria-Haliburton for his contribution to the debate. Questions or comments?

Mr Murdoch: Mr Speaker, I must compliment you first in keeping a very good House here. Everything seems to be under control. The Acting Speaker is doing a good job.

I also want to compliment the member for Victoria-Haliburton for a very positive speech. Sometimes in the House we hear a lot of negative speeches and it causes a lot of problems, but I think the member for Victoria-Haliburton has been very positive in his speech and said there are some good things about this bill and some bad things, but let's get on with it, let's get second reading over with and get out to committee. We'll be able to look at some of the negative aspects of it, and I'm sure some of the care givers will come to the meetings and bring some of the problems they have with it.

We want to keep the public sector and the private sector involved. We have to find a way that both can work together, and we have to make sure that the free enterprise system does flow out there. I know the socialist government sometimes has a problem with that, but I think in this case the most important issue is the long-term care. We hope we can find solutions for that when it goes out to committee after second reading.

Again, I want to compliment the member, because he did bring up some ideas and in a very positive way. He mentioned some of the silly things the Liberals did, but they found out very quickly that doesn't work when they had an election. We did find that out very soon, and I guess we'd find that out again if they had another chance, but I doubt if they will. I compliment the member for Victoria-Haliburton on a very good speech.

Mr O'Connor: I want to reassure you that my constituents don't think that I'm just any member either; that I'm their member and I'm here speaking for them. I want to compliment the member for Victoria-Haliburton. It's that wealth of information that we all bring. We all bring a little different part of our communities here for discussion. He's brought with him some of that information. He was part of what was happening in long-term care up in Victoria county. It's that type of information that when you bring it here, you get a little bit better balance. That's important.

Sometimes things aren't quite right. Some people get worried because, "It isn't just the way I think it ought to be." He probably has a few concerns, but we go out to public hearings and we hear from people and things get improved. In the long-term care providers' magazine, the president says right here, "We were able to get concessions in Bill 101 requiring the placement coordination service to respect seniors' wishes regarding their care venue."

We heard about it because they didn't see it in the bill. It didn't say we weren't going to recognize that, but they raised it as a concern. Going out to public hearings is about listening to some of those concerns, respecting all the different ideas that come from all sides of this House,

going out there and talking to the people who are going to be providing the service and some of the ones who are the consumers, the ones receiving the services. That's the type of balance the member for Victoria-Haliburton has put in there. That's an important thing, that you go out there, have public hearings and reach as far as you can. I hope the committee hearings will take us to many parts of Ontario so we can have as much input as possible into this very important thing.

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Mr Bernard Grandmaître (Ottawa East): I agree that this worthy bill should go to committee, and it will go to committee for the simple reason that it needs to be looked into. Many service providers in the province of Ontario, such as the VON, the Red Cross, the home-makers people, the United Way, are very concerned with some of the content of the bill and I'm pleased that we're moving ahead.

What I find strange about this bill, if I can quote the previous speaker, is that a lot of work has gone into this bill and it's strange that we're dealing with such an important bill this evening and so many people are concerned about the content of the bill. They had four years to circle this province 10 times and consult people and try to get as many people on side, but I see that I get letters every week from different agencies, non-profit and private sector associations, that are concerned about the content of this bill.

I don't know when the government will learn to negotiate and bring before this House a comprehensive bill which will be accepted by all three parties. If some fine-tuning or amendments are needed, then we can deal with these amendments in the committee. But I can tell you that the committee this summer will be very busy trying to bring about some changes, bring about some amendments to this very worthy bill, which was started by the Liberal government but was ruined by the NDP government.

Mrs Marland: I too want to congratulate the member for Victoria-Haliburton. One of the points that he touched on is this whole question of the not-for-profit sector preference.

Personally, I think it's outrageous that this government is passing a bill that limits the private sector to 20% of all community-based, long-term services. Every agency is licensed, with qualified licensed staff to do the same job, whether they work in the private sector or the public sector, and to arbitrarily do with health care services exactly what this government did with child care services is simply not acceptable to the people of this province.

The facts are that the cost to the taxpayer for not-for-profit service will increase since the deficits of the not-for-profit agencies have historically been covered by the government. That's the whole thing. With a not-for-profit agency, the government is always there to bail it out. The best example we can give you in the child care services is the child care centre right here at Queen's Park. When that was opened, it was supposed to be the flagship of Premier David Peterson and it was subsidized every year by the taxpayers of this province.

Commercial home providers pay their employees the same rate as those in the not-for-profit sector, but they do not have the overhead costs because they run it as a business. There's nothing the government can do, including some of the not-for-profit sector agencies, as well as private businesses can, because private businesses are not going to be rescued the way non-profits are by government subsidies and frankly, the private agencies take weekend and night jobs that other agencies do not do.

The Acting Speaker: The member for Victoria-Haliburton has two minutes to respond.

Mr Hodgson: I'd like to thank my friends and colleagues the members for Grey-Owen Sound and Mississauga South, as well as the members for Durham-York and Ottawa East.

I'd just like to say that I would, in response, caution the government to stick to its principles to make it consumer-driven and not to limit itself to some monolithic MSA which is supposed to bring all services under one roof. I'd like to see that costed out so that we don't get into the trap of creating a huge bureaucracy and losing volunteers in our communities and have it so it's not driven from the consumer.

There are also a number of legal costs that are entailed here. I'm not sure if it's going to be more cost-effective to bring it under one roof unless we have a long-term plan to make it run more efficiently.

I'd also like to mention, on the long-term care reform, that it doesn't limit itself just to in-house services. This is a total package and it takes into account, in rural Ontario, hospitals merging with long-term care and providing more than what is traditionally thought of as health care services from a facility. Meals on Wheels can be delivered and prepared at hospitals and facilities like that. That's the model and the ingenuity you can get if you let the local communities look at the needs of the community to see how best to deliver those. Thank you very much. I appreciate it.

The Acting Speaker: Further debate? Seeing none, the member for Simcoe Centre.

Mr Wessenger: I'd like first of all to thank all the members for their participation in the debate this evening. I'm sure we can look forward to some interesting discussion concerning the bill in committee hearings. I certainly anticipate revisiting the long-term care issue from a community base instead of from an institutional base in the next few months.

Mr David Ramsay (Timiskaming): An important summer.

Mr Wessenger: Yes, it's going to be. I'm sure we'll all travel to the same locations again if the Chair has his way.

Just in summing up, I'm not going to respond to all the comments that have been made. It's a late hour. I'd just like to reiterate some of the principles of the bill.

This really is phase 2 of the long-term care legislation, the community aspect. The legislation first of all addresses the orientation really of the consumer. It's consumer-driven, the approach of this legislation.

Secondly, it recognizes the fact that as in the institu-

tional sector we've had to restructure, we also have to look at restructuring in the community sector, to ensure that we get the most efficient delivery of services, to ensure that we use the resources to provide more services. That's certainly a goal we have to work towards, and certainly the MSA is designed to achieve that result.

I'd also like to reiterate the fact that it is a local planning process with respect to the development of the MSA. It's going to be a community, local solution, and there are going to be variations with who delivers the services as the MSA. There certainly can be several models. It could be existing agencies; it could be amalgamated agencies.

Just to clarify one aspect with respect to the MSA, first of all, I'd like to say that regarding the services in the transition period, an MSA may be exempted from two aspects. One is the duty to directly provide all of the mandatory services. In other words, in the transition stage, an MSA can lack one of those four components. Secondly, in the transition stage, the 20% budgetary limit on purchasing services may be waived. It should be understood these exemptions are discretionary. It's only up to a four-year period and it will be dealt with on a

case-to-case basis. I must say that I'm encouraged by the progress that many of the long-term care committees are making with respect to developing the MSA models.

With that, I'd like to conclude debate and thank everyone again.

The Acting Speaker: Mr Wessenger has moved second reading of Bill 173, An Act respecting Long-Term Care. Is it the pleasure of the House that the motion carry? All those in favour? Opposed? Carried.

Shall the bill be ordered for third reading?

Mr Wessenger: I would ask that it go to the social development committee.

The Acting Speaker: Then the bill will be ordered to the social development committee.

Hon Anne Swarbrick (Minister of Culture, Tourism and Recreation): I move adjournment of the House.

The Acting Speaker: Ms Swarbrick has moved adjournment of the House. Shall the motion carry? Carried.

This House stands adjourned until 10 of the clock tomorrow morning.

The House adjourned at 2340.

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of Ontario

Third Session, 35th Parliament

Assemblée législative
de l'Ontario

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Thursday 16 June 1994

**Journal
des débats
(Hansard)**

Jeudi 16 juin 1994



Speaker
Honourable David Warner

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 16 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 16 juin 1994

The House met at 1002.

Prayers.

PRIVATE MEMBERS' PUBLIC BUSINESS SCHOOL BOARDS' FISCAL YEAR

Mrs Cunningham moved private member's notice of motion number 45:

That, in the opinion of this House, in order to facilitate school board budgeting and planning, the Ministry of Education and Training should continue with its intent to change the school board fiscal year, which now coincides with the calendar year, to coincide with the school year, September 1 to August 31.

The Deputy Speaker (Mr Gilles E. Morin): Pursuant to standing order 96(c)(i), the honourable member has 10 minutes for her presentation.

Mrs Dianne Cunningham (London North): I should first announce to the House why I've chosen to bring this resolution to the floor today, as opposed to a private member's bill. It's a technical challenge more than anything else, and of course I don't think there would be anyone in the Legislative Assembly who would disagree with me that this has been the intent of many governments over the years. But it would have been more difficult for myself to bring it in the form of a bill, because the bill would have to change both the Municipal Act, which defines "fiscal year," and the Municipal Affairs Act, which defines "local board," as well the Education Act.

We found that to be somewhat cumbersome and complicated and we thought, because this issue is of a pressing nature to the school boards, that we should bring it in the form of a resolution and therefore ask the minister to act upon this in haste. This is something that he could do very quickly.

It actually is a privilege that I stand in the Legislative Assembly of Ontario to discuss this very important issue and have the opportunity of introducing a private member's resolution. It's one of the great privileges of the democratic process which all of us respect and do not take for granted. So I, of course, am honoured to have my colleagues from all three parties here to participate in this discussion.

I understand that the member for Sault Ste Marie will be speaking on behalf of the Ministry of Education and Training and I look forward to his comments and to the comments of my other colleagues today.

I think most of us are aware that in 1992 the former Minister of Education stated in a press release that he would be looking at adjusting the school board fiscal year so that, beginning September 1993, it would coincide with the school year. School boards have been requesting this change, stating that it would make it easier for them

to plan and manage their budgets. It's now June 16, 1994, and more than two years have passed, at least, during the tenure of this government, and the change has not occurred.

I was approached by a number of school boards which expressed their concern that the ministry had not delivered on its promise. Then, more recently, I received a very, I think, pointed letter from Carol Donnelly, the chair of the London and Middlesex County Roman Catholic Separate School Board, that she had sent to the Minister of Education and Training, again requesting that the fiscal year for school boards be changed.

I should say that my own personal experience in this particular issue goes back to 1973 with the school board, so it's not just this government but all governments that have indeed ignored school boards that we criticize for their ability to manage their budget and yet don't respond to what I think is a very practical request.

I therefore thought, in spite of my questions in the House in the past six years since I've been a member representing London North, that it's time I brought it forward in this format, and to use up one of the most valuable privileges, and that is a private member's bill or resolution, which can happen to us sometimes less than once a year. That's the kind of emphasis I feel that this issue warrants.

After tabling the resolution, I think it's very important that I make these comments. I sent a letter and a copy of the resolution to all of the directors of education, chairs of boards, asking them to comment on the proposal. This was a couple of weeks ago, and in the last week I have received more than 40 letters and phone calls, in fact I think it's much more than that today, from boards across the province in response.

That shows the kind of openness and the kind of interest they have in having a more efficient system, but more importantly, I think it shows their desire to assist the government of the day and to work with them so that we can have more accountability in our school systems and better education for our students.

I'd like to thank the directors of education and superintendents of business for taking the time from their busy schedules to respond to this important request of our office. I will be using the information that they sent to us during these remarks.

The advantages and disadvantages of changing the school boards' fiscal year to coincide with their operational year, as I said, has been discussed over the years. In recent months the Ministry of Education has received requests for a change in the fiscal year from the following groups: the Ontario Association of School Business Officials and the Ontario Association of Separate School

Business Officials. The Ontario Institute of Chartered Accountants, in a submission to the provincial government, also supported making the fiscal year and operational year of school boards coincide.

1010

The third report of the select committee on education in January 1990, the report on education finance, recommended, "The fiscal year should be altered and reporting and budgetary procedures should be streamlined to more closely reflect the reality of the school year."

Mr Patrick Slack of the Ontario Separate School Trustees' Association has stated that the association supports the change, as does the Ontario Public School Boards' Association in a letter written December 2, 1992, to the Honourable Tony Silipo, signed by the president of the OPSBA, Paula Dunning. It clearly states that OPSBA would suggest that the transition to a school year fiscal year must proceed with as little disruption and administrative expense as possible.

Of course, that letter was followed up by a letter on May 16, as recently as a month ago to this day, 1994, to the Honourable Floyd Laughren, and the same letter to the Minister of Education, David Cooke, signed by Mr Joe Gunn, who is the present president of the OPSBA. So there's a lot of support for this resolution and we certainly did our homework in this regard.

According to school boards, changing the fiscal year to coincide with the school year would provide increased efficiency and effectiveness in the preparation of the budget for schools and departments in advance of the school operational year. It would improve planning and decision-making when establishing a mill rate since the budget would be established with the knowledge of the general legislative grants and other data well in advance.

Boards had the unfortunate challenge this year of settling a budget, only to find that the GLGs, which were announced late, had decreased their grants. Boards were left scrambling at the last minute to find ways to cut costs without jeopardizing the education of our students and without increasing taxes.

Much of the current support for the corresponding fiscal-operational year is contingent on the general legislative grants regulations being published well in advance of the start of the boards' fiscal year. In recent years the GLGs have been published March 31, three months after the start of the school boards' fiscal year and one day before their municipal requisitions must be in on April 1.

The ministry has been aware of the problems this late publication has cost boards but has been unable to publish earlier because of the data on which the GLGs are dependent: assessment rolls and enrolment figures. They're not available earlier. However, if the school boards' fiscal year coincides with their operational year, a GLG release date of March 31 will no longer present a problem.

Allowing boards to be proactive in their financial planning will ensure better financial decisions, which ultimately impact on our children. It's simply common sense to match an organization's fiscal year with its natural

operating cycle. This long-sought-after change would allow boards to better plan their operations within today's fiscal realities, rather than being forced to solve their financial problems at budget time using the first four tenths of the following school year. Any organization would logically match its fiscal year with its operational cycle.

Significant decisions in staffing, program changes and system reorganization would be implemented on the basis of the school year cycle. I think it's interesting for my colleagues in this assembly to note that Ontario and Saskatchewan are the only provinces where the school boards' fiscal year coincides with the calendar year, so this is not new.

I will be encouraged to listen to the discussion, but I thought that I should read into the record some of the responses from the boards and at least show you the kind of response we had when we asked for their opinions.

It won't be surprising to know that such boards as the Board of Education for the City of York and the Board of Education for the City of Hamilton, the West Parry Sound Board of Education, the Halton Roman Catholic Separate School Board, the Simcoe County Roman Catholic Separate School Board, the Halton Board of Education, the Carleton Board of Education, the Lincoln County Roman Catholic Separate School Board, the Haldimand Board of Education, the Durham Region Roman Catholic Separate School Board, the Board of Education for the City of Windsor, the Victoria County Board of Education, the Middlesex County Board of Education, the Durham Board of Education, the Peterborough County Board of Education, the Lakehead Board of Education, the Elgin County Board of Education—

The Deputy Speaker: Thank you. Your time has expired.

Mrs Cunningham: —Essex, and I could go on but my time has expired.

Mr Tony Martin (Sault Ste Marie): It gives me some pleasure to rise this morning and participate in this discussion about what I think is a very important issue, something that I don't think anybody in this House would disagree we need to do something about, because of the fact that financing education is so complicated without even considering this particular issue.

In my experience with school boards—I was a trustee for a number of years in northern Ontario—one of the more challenging aspects of being a trustee was trying to understand the finances, how education was financed. As the member who has brought forward this bill has intimated, certainly this didn't start with us. It's a complicated formula that's been around for a long, long time.

All three parties of government have had some experience with it, and I would suggest to the member that if this shift is as simple as she suggests, then why wasn't it done earlier and sooner, because I don't think there's anybody I've come in contact with in my years in school board activity who hasn't expressed the same frustration as I have felt and expressed around this whole question.

I don't know why we can't make the funding of schooling a lot more simple so that the accountability that

is spoken of and asked for in this move could take place and those of us who serve on school boards or who serve in the Ministry of Education or as members of this House could sit down very simply with our constituents and explain to them how education is funded, why it costs this much, why in some years we have money and other years we don't, and all of those kinds of things, because that's really what we should be about. People, if they're going to take some ownership of the school system, need to understand it more fully.

I served as well for a period of time in this job as chair of the refinancing council to the Minister of Education with members of all of the important stakeholders in this exercise, trying to come up with a formula that would appease everybody, that would please everybody and that we could bring forward.

That exercise in itself proved to be quite challenging and difficult. Yet we did, in the end, come up with some suggestions that have in fact been announced by the minister and will roll out as time progresses and as we hear from the Royal Commission on Learning and we have some of the support that we need to do this kind of thing.

As chair of that council I was challenged again, as I was when I first became a trustee, particularly with the separate school board in Sault Ste Marie, to get my head around the complicated formula. I found myself, almost every time I had to prepare to chair the meeting, having to go through a refresher course in how all this works, because it is so complicated. Because of that, it cries out for change and reform. Hopefully, with the support of everybody in this place, when we do bring forward some suggestions and ideas as a government as to how we might do that, we will get their support.

Just the fact that we have three types of years going in public financing in the public sector is another complicating factor. We have the fiscal year, we have the calendar year and we have the school year. We have three kinds of years that we're trying to meld here. So, through that, folks might begin to understand that answers to this aren't perhaps as simple as some might propose they are.

However, it should not get in the way of us moving forward and trying to come to terms with it, trying to simplify this whole exercise so that everybody can become involved, everybody will be knowledgeable and, in the end, we will all be more accountable.

I am pleased to be able to say here today that the government supports this resolution and thanks the member for London North for bringing it forward. It makes sense from a financial point of view for school boards to start keeping the books for the year at the same time that they start making expenditures. It would also help school boards in their planning and make them more accountable to taxpayers for their budget decisions.

I will briefly explain how the current system works. At present, school boards start preparing their budgets before the start of the calendar year and may continue until early May. The general legislative grant regulation is usually released in March. This gives school boards the information they need to calculate their grant entitlements. This information and the expenditure decisions made by the

board determine the tax levy for ratepayers supporting the board.

1020

In May, school boards hand over their requisitions to municipalities to begin collecting local taxes, including the school board levy, which is a further complicating factor, because as soon as you change that system, it then becomes a challenge of trying to extricate yourself in some way from what's happening at the municipal level, because through, I think, a sincere desire to have efficiencies, the municipalities do collect taxes for the school boards.

Tying the fiscal year to the calendar year puts school boards in the awkward position of deliberating over a budget year which has already started. In fact, at budget time, 60% of their expenditures for the year have already been committed. For the six-month period from January through June, decisions have already been made about classroom size, hiring of teachers and so on, and very little can be done to change those decisions. The remaining 40% is for expenditures that will be made during the last four months of the year, from September through December. School boards generally have few expenditures for the months of July and August.

A major drawback of this system is that school boards can only deal effectively with 40% of their annual budgets. If a board wants to cut expenditures, it can do so only for the last four months of the year. This does not give trustees much leeway for reducing costs. Similarly, if a board adds programs or services, only 40% of the costs are reflected in the tax bill for the year. Again, this does not promote trustee accountability.

A number of school boards have expressed their support for a change to the fiscal year, and we heard the member who introduced this bill mention a few of those boards that have come forward to support this. So have groups such as the Ontario Public School Boards' Association, the Ontario Association of School Business Officials and the Ontario Institute of Chartered Accountants. Most other provinces have changed the fiscal year for their school boards to coincide with the school year.

Making the fiscal and school year one and the same will enhance the quality of education in Ontario. It will encourage better planning and, as I've mentioned, will make school boards more accountable for their decisions about how tax dollars are spent. Under the current system, a school board can decide on a \$2-million expenditure in 1994 but only 40% of that amount, or \$800,000, will be billed to taxpayers in 1994. The remaining 60% of the expenditure will have to be paid for in 1995.

With a changed fiscal year, boards will consider the program and service demands for the school year and the effects they will have on ratepayers. Their decisions about how money will be spent during the school year will be fully reflected in the tax bills for the year. This will promote wise use of education resources.

Changing the fiscal year will result in a clearer distinction between the budgetary process and financial reporting. If I might just explain briefly: At present, the budget process involves a great deal of financial reporting on

expenditures committed to in the previous fiscal year. Boards are only able to plan for 40% of the year. With a change in the fiscal year, they would be able to prepare cost estimates for the entire school year. Financial reporting would no longer be part of the budgetary process. This would increase administrative efficiency.

For these reasons, the Ministry of Education and Training is in favour of changing the fiscal year to coincide with the operational year of school boards, September 1 to August 31. We will take steps to effect this change once we have reviewed the recommendations of the Royal Commission on Learning, which are due at the end of this year.

Mr Charles Beer (York-Mackenzie): Let me say at the outset that I rise to speak in support as well of the motion which our colleague from London North has brought forward. It is one of those motions where she said it's an idea whose time has come and that we all have made reference to previous commitments or suggestions that we go forward with this. It is useful to recognize some of the complexities of changing fiscal years, but none the less, within the broad educational community there is a strong belief that we should do this.

I want to just remind members that in the motion what our colleague from London North has said is, "...the Ministry of Education and Training should continue with its intent to change the school board fiscal year..." I think and believe that those words were chosen carefully and are to indicate that, look, one recognizes that you can't just at the snap of your fingers change this over, but what we really need to see is a public commitment, a time frame. I would suggest perhaps a mechanism for doing it.

Perhaps we want a task force or working group that would involve representatives from the two major trustee associations, representatives from the ministries, perhaps some of the others who would be most involved, and ask them to report back within a reasonably brief period of time, perhaps several months, so that the House could look at something specific in the fall. I think there is a need to move with this and I would hope that the government would.

I recall the hearings which the select committee had on educational funding, and this was one of the questions that came up. I've been struck, not in every discussion I've had with school board directors, business officials where they've said, "Look, we want this to happen," but it inevitably does come up and has come up repeatedly, that I think there is, if not unanimity out there, a very high degree of support for doing this.

I was struck by some of the information that has been circulating from boards on this particular issue, and I want to just read one quote because I think it does deal with the kind of frustration that school boards have had with all governments. Let's be clear on this: All of us, in terms of when grants are announced or what is going to happen, during our different mandates have not always made the announcement at a time that makes it useful or helpful for boards in trying to construct their own budget.

In late April, a news release that came from the chair of the Halton board finance committee, Penny Siebert,

had this to say, and I just want to read this into the record:

"Frankly, this delay"—and this refers to the delay in getting out the information on the GLGs—"in providing grant information makes a laughingstock out of the budget process and out of our responsibility as community representatives in setting the budget. By giving us the information so late, the ministry is showing careless disregard for the planning process and for local taxpayers."

I had the pleasure at one time of serving as the parliamentary assistant to the Minister of Education, and I can always recall that whenever the issue of education finance came up, people's eyes would glaze over. In terms of trying to sit down and really understand how the system worked, it could be a very difficult task, and I think even those who have served a long time as school board trustees or those who have worked within boards at times find there is a certain Byzantine quality to the development of educational finance.

Clearly, one of the things that we have to say, with all of the various problems that school boards face today and with the fact that money is going to continue to be constrained over the course of certainly the rest of this decade, regardless of who forms the government following the next election, is, "How can we make the system work better and get rid of a lot of the frustrations that school boards often feel when they don't have the relevant information with which to determine their own budget priorities?"

1030

I think that's where this motion from the member for London North really comes from. This isn't going to obviously settle all of the financial problems, but it is going to make it easier for school boards to do the budgeting and planning that they need to do. Inevitably, there will be, as the member for Sault Ste Marie points out, some other things that will come into play because of that change, and we do have different kinds of fiscal years, but for the proper and appropriate management of the school board's fiscal year, I think making this change will really help.

I want to link this to a couple of things that are currently going on, because I think they do relate. This motion speaks to a budgeting and planning process in trying to make it more accountable and to make it work better. We are, as members know, currently dealing with another bill before this House which I think is related to this motion and which deals with educational financing. A number of us had hoped that we would have the opportunity in this session to have a good debate on educational funding.

I have said, in this House and elsewhere, that in terms of where we go with the whole budgeting, planning and financing of school boards, what we need from the government is, if not a draft bill, a white paper that we could put into the standing committee on social development and take around the province for some very serious discussion with all of those who have an interest in the system around how we fund the system and around the issue of equity in terms of the funding of the system.

I would hope that in going forward with what the government has proposed in their budget and what is in Bill 160, they will not look at that as being the final step. Certainly the member for London North and myself, as the Education critics for our parties, as we go around talking to trustees, school board officials, to parents, there is a real concern out there around some of the problems that particularly the assessment-poor boards are facing and how we begin to address that question of equity and ensuring that every child, regardless of what school he or she may attend, is going to have a level of financial support the same as any other child wherever in the province.

So while this motion is speaking to a process in terms of how boards develop their budgets, again I would say to the government that I think there could be some usefulness in setting out in a white paper, in a document, the kinds of options that we're looking at today. We have the Fair Tax Commission's proposals, which, it would seem, given that there was no reference to the commission in the budget, the government finds not to be compelling.

The member for Sault Ste Marie has noted that he has chaired a funding and finance group within the ministry, and I think it would be useful, through a committee discussion, to have some sense of some of the things that they wrestled with. Let me underline and add that this is a complex issue, one that all governments have had difficulty around and where clearly there are some very significant issues.

I suspect it's also one where it would help if we had a more public discussion of what those options are and to see if we can really get people in the province to agree to a set of principles that would direct us so that when we go around the province today and talk with the different boards, we don't have to spend so much time looking at the inequities that exist in the funding process but try to develop a consensus to get something that is really going to work for all of us.

Again, I would say to the government that I think you would find that those of us on this side of the House would be quite prepared to work with them towards that end and that that is something it would be good to get on with.

I want also to link to that issue and to the honourable member for London North's resolution the other element, which is the royal commission that is deliberating and is going to bring its report in by the end of 1994. We know that one of the things the royal commission is dealing with is the question of school governance. They are not dealing specifically or directly with the issue of funding, but I'm sure they have to be concerned about how school boards operate. I suspect they would be quite interested in our deliberations this morning and what would appear to be unanimous support among all parties for the member for London North's resolution.

But I would say to the government that if it is looking, as I think it is and indeed a lot of us are, to the royal commission to provide some good direction around issues of program, curriculum and governance, we are going to need at the same time a clear indication of where the

government sees us going in a more specific way with the whole funding and financing system.

If that happens and if following the reception of the royal commission report we can take those recommendations together with what I would hope would be some work done by the standing committee on social development following receipt of a background document from the government on what those options might look like, then for the first time in a long while we would have an opportunity to really discuss, perhaps during what may well be next spring's election, the issue of the restructuring of education, dealing with program, dealing with financing. Who knows? We may find that there's a very broad range of agreement, not only within this House but among the public, on what that ought to look like.

Some of those issues may seem a somewhat long way from the specifics of the member for London North's resolution, but I think they are all linked in that one of the things that is clear is that over time we have tinkered with the educational system, sometimes to a greater extent than others. There have been changes made, especially if one looks at the whole question of how we fund the separate schools and the public schools. There has been movement, but we know that today the problem that many separate boards face is not just faced by separate boards but increasingly by public boards as well.

That question down the road is, what is going to happen four, five, six years from now unless we really do try to grapple with change? In order to help those boards, at least through the next couple of years, to the extent that we can remove the kind of daily operational frustrations which the fiscal year problem speaks to, I think we ought to do that.

In my seven or eight years in the Legislature I don't think that I have ever talked to school boards where—they always seem to be waiting for some kind of announcement. Maybe that's the nature of local government and the relationship with the province, but their difficulty in trying to guess what the grants will be this year or the percentage changes, and then even at times hearing statements from government ministers—they try to plan on that and then perhaps something else happens and something changes.

At least with this proposal, if we move to this change, boards would know that they would have that information through the provincial budget in the spring and would have at a minimum some three months or so to be able to assimilate that information and to go about the budgeting and planning they would want to do.

1040

I reiterate again that I support the motion that has been put forward by the member for London North and would simply make the plea to the government that if they could move in a more direct way following passage of this motion to indicate a time frame for when it could be implemented and to set out who perhaps might be brought together to determine what would be the best way to do that, I think that would give the educational community in this province a great deal of not only joy but hope that something might happen, and this would be seen by everybody as a very positive move.

Mr Allan K. McLean (Simcoe East): I want to begin my remarks today by complimenting the member for London North for bringing forward what we feel is this very important resolution.

Ontario provincial governments of all political stripes have created uncounted budgeting and planning hardships and headaches for municipalities and school boards alike with outdated budgetary procedures. The member for London North has a commonsense approach to this problem by calling on the Ministry of Education and Training to change the school board fiscal year, which now coincides with the calendar year, to coincide with the school year, September 1 to August 31.

I trust you'll agree with everyone involved in the educational system who suggests that the Ontario government's complicated and outdated fiscal year budgetary procedures need to be revamped. As well, I also trust you'll agree that above all, this government's practice of mandating new programs without providing the necessary funding to school boards must end.

In January 1990, the third report of the select committee on education noted that a number of boards had comments with regard to the various aspects of fiscal control and efficiency, such as the need for improving long-range planning. Several boards also recommended that the fiscal year be altered, and reporting and budgetary procedures be streamlined to more closely reflect the reality of the school year. That is recommendation 29 in that select committee's report back in January 1990.

The committee recommended, "The fiscal year should be altered and reporting and budgetary procedures should be streamlined"—as I said—"to more closely reflect the reality of the school year."

This recommendation, like the resolution from my colleague the member for London North, has taken what we call a commonsense approach to resolving this issue. It's something that I support and it has the backing of both the Simcoe County Board of Education and the Simcoe County Roman Catholic Separate School Board.

Mrs Gail O'Brien, trustee for Oro-Medonte and vice-chair of the Simcoe County Board of Education, has indicated to me that school boards across Ontario have been urging the provincial government to change the school board fiscal year to reflect the school year for some time, in order to make the board budgetary process more efficient.

Mrs O'Brien said this change would have been most helpful this year, when the announcement of the GLGs was not made until late April when over a quarter of the school fiscal year had already passed and budgets had not been set. She said there were some important decisions that had to be made prior to setting budgets, thus reducing the flexibility when her school board finally became aware of its revenues.

Mrs O'Brien said she heartily endorses this resolution because planning and priority setting would be enhanced if the school board fiscal year matched the actual school year.

Mr Mearl Obee, director of education for the Simcoe County Roman Catholic Separate School Board, said the

change in the fiscal year is but a small part of the immediate reform required in education finance. Mr Obee notes that under the present system of budgeting and financial reporting, it is recognized that the reporting and financial planning patterns are not consistent with the board's operation nor with the province's fiscal year.

Changing the fiscal year is for the most part an accounting exercise, and with the sophistication in most boards today, there is a capability to blend all the different fiscal years to plan and/or budget on the same year as a board operates.

Mr Obee said one of the main reasons boards require a change in the fiscal year is due not only to the fact that boards operate on a school year basis, but more importantly, it is because of the problem a board has in developing its budget when the grants are not released until late March or early April. Because of this policy, boards are forced to react rather than plan. Mr Obee believes that allowing boards to be proactive in their financial planning will ensure that better financial decisions, which ultimately impact on our children, will be made.

Again, I compliment the member for London North for bringing this resolution forward, and I want to assure her that I'll be supporting her endeavour to change the school board fiscal year to coincide with the actual school year.

I believe that by passing this resolution, we'll be taking a major step towards making our education and training systems accountable to the people they serve, both financially and in terms of curriculum and standards.

Mr David Winninger (London South): I would like to add to the remarks of my colleague from Sault Ste Marie by mentioning a major initiative being taken by this government to make school boards more efficient. I refer to the restructuring now under way of school boards across the province to make them more efficient and economical.

We've been encouraging school boards to take a close look at their operations and consider where they might streamline or enter into cost-sharing arrangements. More efficient operations mean that more money can be put into programming in the classrooms and improving the quality of our programs. With assistance from the province, school boards in every part of the province are working together to save on their operating costs.

Since last March, approximately \$25 million from the province's transition assistance fund have been given to school boards to help them carry out cost-saving measures. Funding has been allocated to 117 restructuring projects. School boards, we feel, are quite capable of deciding for themselves where the greatest efficiencies can be realized.

In London, for example, \$240,000 was received from the transition assistance fund by the three boards in London—that would be the public school board, the Catholic school board and the county school board—to study how they can achieve total computerized integration of bus scheduling in London and the surrounding area.

Another \$35,000 was received from the fund to invest in using the London board's warehouse as a distributor for the other two school boards. Also, \$35,000 is being

used to invest in the centralization of more services, while providing for equal or better access to media needs and resources for schools. So a lot of money is being used by this government to enable school boards to achieve the necessary efficiencies and economies that they need to, in this day and age.

I noted with some satisfaction that the Minister of Education was in London just this past Friday to announce capital funding for a new French-language high school in London, which is a cooperative venture by both the public school board of London and also the London and Middlesex Roman Catholic school board. Here's an example of two boards working together to restructure and deliver education in London.

Mrs Margaret H. Harrington (Niagara Falls): Mrs Cunningham's resolution is about school board budgeting and about efficiencies and changing how things are done. I would like to tell the people of Ontario one example of what can be done to do things better.

Last Monday, the Minister of Education, Dave Cooke, and I were in Niagara Falls for an announcement which means jobs, good education and unique cooperation between school boards: \$6.4 million was announced for Niagara South Board of Education and the Welland County Roman Catholic Separate School Board to build a multi-use facility for education in the northwest area of Niagara Falls. These shared facilities are going to include the science labs, the gymnasias, the washrooms, the playing fields, the parking and the day care facilities, all shared in one school, an elementary school, between the two boards. This will mean cost efficiency to local taxpayers.

Other options that the city is looking at are including a branch of the public library there, and community agencies such as family and community services. So we're looking forward to a new way of doing things in Niagara Falls.

I'd also like to tell you that in the past the boards have been working together with sharing of student transportation across the whole region and also the ordering of supplies jointly. So they certainly deserve some credit.

I would like to quote from what Minister Cooke said the other day. It says, "This working together sends a very positive, powerful message to taxpayers that this government is looking at doing things differently," just like Mrs Cunningham's resolution. In fact, cooperative efforts are now given priority for funding at Queen's Park. It only makes sense to work together to save taxpayers' dollars. I'm proud of the efforts of the two school boards in Niagara Falls.

I support this resolution because it shows that our support shows that this government is willing to look at new ways to work together with local boards to do what really just makes sense, and I would encourage boards all across this province to look at new ways to work with this government.

1050

Mr Cameron Jackson (Burlington South): I am delighted to rise in support of my colleague's resolution. It's quite appropriate, as the Education critic for the

Conservative Party, that she is proposing this because it has had considerable support from our caucus for many years.

We are rather concerned by the tenor of part of the debate today, because as I listened intently to the suggestion of my colleague from the Liberal caucus, he indicated that perhaps a working group might be helpful and effective in developing this. From the governing side, I was very pleased to hear that there's support in principle, that there will be positive support from the governing side, I hope, and that we should proceed with this very commonsense, fiscally responsible decision as it relates to responding to what school boards are telling us. But my concern is that the Liberals would yet again consider dealing with this in some sort of working group or report.

Prior to my colleague having the responsibility, for five years I was the Education critic for the PC party and participated, not in a royal commission as the current government would have us do—that's costing taxpayers millions of dollars to come up with these commonsense solutions—but under the David Peterson government we had the select committee on education, and I was fortunate enough to serve on all three of the committee reports and the public hearings to come to those findings. This committee report, incidentally, only cost taxpayers several hundreds of thousands of dollars and not the millions of dollars that are being spent on the Royal Commission on Learning.

What we will find is that the findings within this document will be virtually identical to the ones that came out in the royal commission. Really the purpose of the exercise is more public relations than common sense. Let's get on with the business of making some decisions. I'll give you some examples.

Incidentally, I should say that my colleague from York-Mackenzie was, along with myself, a member of the select committee on education and he will recall that when we published our report in January 1990, this report came to the very clear conclusion in recommendation 29—I'm just going to read briefly from the report, because there was absolute consensus from all three political parties in this House on this issue and full support and consensus from the educational community. It says here:

"A number of boards and other commentators spoke to various further aspects of fiscal control and efficiency, such as the need for improving long-range planning. Several boards also recommended that the fiscal year be altered and reporting and budgetary procedures be streamlined to more closely reflect the reality of the school year.

"The committee recommends that:

"(29) The fiscal year should be altered and reporting and budgetary procedures should be streamlined to more closely reflect the reality of the school year."

Incidentally there are 34 other very commonsense recommendations in this report, all of which I'm sure will be embraced by the royal commission, but I guess we needed to spend millions and millions of taxpayers' dollars to come to those commonsense conclusions.

The truth is that we should have been supporting this some time ago. As my colleague from London has indicated, every jurisdiction in the United States has made this move. Every province in Canada, except Saskatchewan and Ontario, has made this very commonsense move to streamline its fiscal and school-operating years.

It's something that should be supported. It should be supported quickly. There's absolutely no reason why, while we're waiting for the royal commission, which I'm sure is going to have to have 200 recommendations in it to justify the several millions of dollars that have been spent on it—this will be buried in there as one of the recommendations and then we'll have to wait a year and a half for someone to decide that we should proceed with it. I encourage all members of the House to get this singular commonsense resolution of my colleague to a committee or get it approved as quickly as possible.

With respect to the presence of so many from the disabled community in our presence today, I want to refer to another one of the very good commonsense recommendations that were contained in the select committee on education report, and that is recommendation 8, which talks about special education funding. Why this is important is because I have persistently asked the member for York East for his support in changing something which I think was done to the detriment of the disabled community by the David Peterson Liberal government.

Essentially, special education funding, as envisaged by the Conservative government when we brought in Bill 82 and developed integration models, took disabled children out of basements and out of institutions and integrated them into our school system. The vision and the dream was that we identify special dollars that are allocated to the consumer, to the student in the school, and this fund was on top of and separate from the per-pupil block grants.

One thing the Liberals did was they said: "Look, this is getting expensive. We're having to invest money in the disabled community. These individuals have high needs." What they decided was, "Let's roll all this money into the per-pupil grants so it's sort of buried," and what we had is a paradigm shift in this province so that instead of identifying, with funding dollars, the disabled community, and where school boards were doing intensive assessments and developing programs, we shifted to a model where they had to compete with every other aspect of education. That was grossly unfair and what we saw were fewer students being identified and fewer programs being offered.

All parties agreed that this was wrong, and this took great courage from the Liberals to disagree with David Peterson and their own Education minister. I'm hopeful that the Royal Commission on Learning will come to the same conclusion, but so far the government has resisted making this very strong and clear recommendation to protect the educational funding needs of the disabled community.

Recommendation 8 states: "As long as special education moneys are part of the basic per-pupil block grant, the ministry should continue to identify that portion of

the grant specifically spent on special education such that special advisory committees and parents in the community can monitor school boards' expenditures on special education programs."

The bottom line is that if you can't identify the dollars and you can't identify those who need them, there's no accountability. No parent can walk into a school board and say, "This money is earmarked for my child's growth and development and support services." As long as you bury it with the one cheque you send from the province and say, "Go fight for it with your school board," you've done a great disservice to the disabled community.

I believe there were a lot of commonsense suggestions in that report back in 1987-88-89 and 1990, and I hope the government will embrace more of them, but today, we get a chance to embrace one very important one, the resolution by my colleague from London North, Ms Cunningham, and I ask all members of the House to support that resolution.

Mrs Cunningham: I would just like to make a few remarks for the record. First of all, I would like to thank the member for Sault Ste Marie on behalf of the government for his support of this resolution and certainly my colleagues from York-Mackenzie, Simcoe East and Burlington South.

The members from London South and Niagara Falls talked about the restructuring. I would advise them very seriously to take a look at the new release from OPSBA, June 9, 1994, where it says, "Ontario's Public School Boards Call for Removal of Barriers to Full Restructuring." I think the government should be looking at this very carefully.

The issue here is the time frame and I have a suggestion to make. I don't agree with my colleague from York-Mackenzie, who says that we should be looking at this; I think there's full agreement for it. We have an opportunity this afternoon during the discussion on Bill 160, which is a budget bill, where section 3 is an education finance issue, to put this issue into those discussions when that bill is severed and put into committee, and we could act on this very quickly. There is no reason we shouldn't be moving forward in this regard, and certainly this is not the responsibility of the Royal Commission on Learning after the numbers of hours of public hearings.

1100

I would just like to add to the list. As I stated before, we had a number of responses and we tried to do our homework. Obviously the chair of the Middlesex Catholic school board, Carol Donnelly, who got me going on this resolution, has responded.

My own board, the London Board of Education: I have to say thanks to Jack Morris, who was the president not only of OASBO but of AASBO, one of the only two Canadian presidents who've worked on this for probably more than 20 years.

The Sault Ste Marie board: The member has already spoken and he had very strong support for this from Bert Campbell, who is the superintendent of business.

The following boards supported the resolution by phone—and there are in my office, I've just had my staff

advise me: the Metropolitan Toronto School Board, Don Higgins; the Huron County Board of Education, Paul Carroll, their director; the Peterborough County Roman Catholic separate school board, Ray Rigby; the Manitoulin Board of Education, Sam Nardi, superintendent of business; Lanark County Board of Education, the superintendent of business; the York Region separate school board, the director of education; the Kent County Roman Catholic Separate School Board, their superintendent of business. Those phone calls go on.

With regard to the Ottawa Roman Catholic Separate School Board, they've written to us; the Kenora Board of Education; the Conseil des écoles publiques d'Ottawa-Carleton has written; the Timiskaming Board of Education; the Scarborough Board of Education; the North of Superior District Roman Catholic Separate School Board; the Lakehead District Roman Catholic Separate School Board. That's all I have with me in the House.

I would like to end in this regard: This is a common-sense issue. All you have to do is take it to the legislative research services from this Legislative Assembly, and I can tell you that Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Manitoba, British Columbia, Northwest Territories and the Yukon have a school-year budget process. That's 10. The only ones that do not are Ontario and Saskatchewan.

I have no idea why anybody would suggest that we need more information. I think that we're ready to act on this. I think the ministry and this government have an opportunity to act on this today during the debate on Bill 160. In the meantime, I'm very pleased that we have the kind of support in the House today and I thank my colleagues.

The Deputy Speaker: The time for the first ballot item has expired.

ONTARIANS WITH DISABILITIES ACT, 1994

LOI DE 1994 SUR LES ONTARIENS QUI ONT UN HANDICAP

Mr Malkowski moved second reading of the following bill:

Bill 168, An Act to ensure Equal Access to Post-Secondary Education, Transportation and Other Services and Facilities for Ontarians with Disabilities / Projet de loi 168, Loi garantissant aux Ontariens qui ont un handicap l'égalité d'accès à l'enseignement postsecondaire, aux transports et à d'autres services et installations.

The Deputy Speaker (Mr Gilles E. Morin): Pursuant to standing order 96(c)(i), the honourable member has 10 minutes for his presentation.

Mr Gary Malkowski (York East): It's certainly a very great honour for me to be involved in today's debate on historic legislation, the Ontarians with Disabilities Act. It's nice to see such a large number of people from the disabled community out today to hear today's debate.

There was a point in our history when many disabled people, including deaf people, were seen by society as basically worthless, unimportant, unproductive members. In fact there was a time in history when people were left on the street to starve, to die, many of them actually even killed. There was a point in history when, although

disabled people wanted to be equal members of society, they were completely denied that right. Even in more recent history, in the Second World War, in one nation's search for the perfect race there was a time when disabled people were exterminated, were killed in gas chambers. These are parts of our actual history.

Even today, we see disabled people, deaf people continuing the struggle for access to training, to transportation, to the right for a higher education. Yet unfortunately many service providers, who have set up a system that is supposed to work for disabled people, have in fact set up a system that fails the disabled community. We still see low expectations placed on the disabled community, disabled people feeling worthless. They've been put in hospitals and institutions and basically rejected from society, marginalized.

Sure, we have seen both previous governments and our own government, on both provincial and federal levels, establish legislation. For example, we have the Charter of Rights and Freedoms; here in Ontario the Ontario Human Rights Code. Just recently, we passed legislation such as the Advocacy Act; employment equity legislation has gone through. They're very valuable pieces of legislation. They do look towards equity and speak to the rights of all individuals to participate in society.

However, the fact of the matter still remains that unfortunately, although that legislation's in place, it has not really dramatically improved disabled people's access to society. They continue to fight, often at great legal cost. They continue the battle that takes a good deal of their time and energy to get the support and resources that they need. Many disabled people still live in poverty, are still subject to a paternalistic attitude by society. The struggle does in fact continue.

Although the Human Rights Code is in place, the legislation is such that there's a tremendous backlog and often people are awarded very low settlement costs, so this has had a dramatic impact on the disabled community. Also, this legislation that I previously mentioned does not have a guarantee of support services, and by that I mean things such as interpreters or intervenors and attendant care. Sure, there's often a rather vague assurance that we'll look at this, this probably will be covered, but there isn't a black-and-white guarantee that these support services will be in place.

Our government has made a tremendous effort, has made a special effort to try to improve the situation. But basically, what we have to do is see business, labour, the broader community working together to recognize the needs of disabled people. That's why I'm standing here today raising this issue and saying very clearly that people with disabilities are really very tired of that long, hard struggle.

Why are they continuing to do this? Are we punishing disabled people for what they are, for who they are? Why are they not given the same access that other people are? Why must they expend this tremendous energy to get what is their right? That's why I'm standing here moving the Ontarians with Disabilities Act.

I would encourage us all to work in cooperation—advocacy groups, individuals—to support, non-partisan,

in a political way as well as in the broader public, to make sure that we legally mandate access for all individuals to participate in society. The ultimate goal is to dismantle old barriers in society as well as ensure that new barriers do not crop up to take their place.

The second critical issue is we have to remove that paternalistic attitude that has prevailed in society. It's time that attitudes changed. We can't have that charitable, "Oh, let's take care of those poor disabled people" attitude. It's time that stopped and that we saw disabled people as equal members of society, and that's my goal today.

The Ontarians with Disabilities Act in fact does encourage the disabled community to come out and express their thoughts. We want to hear what members of the disabled community feel about this legislation, which is why I would like to see this referred to standing committee, so that people have a chance to get out and share their perspective, to increase public awareness and to educate the government members, the opposition members, the business community, the labour community and the broader public on the needs and opinions of the disabled community.

1110

I think there's a very good example that we can look to when we're talking about legislation if we take a look south to the United States. There's the Americans with Disabilities Act in place there. In fact, that act was signed by a very conservative Republican, George Bush. He was certainly well known in business circles, but he actually came out and supported such a bill because he knew that this type of legislation is in fact cost-effective and cost-efficient because it brings disabled people into society, off welfare lists, and instead of accepting social assistance, they become taxpayers.

It also has a benefit in other ways, because it's cost-effective when we make sure that when any building is put in place that we don't have to worry about retrofitting, that accessibility is considered right at the beginning. We don't want to see people who can be participating members of society, who have skills, stuck on social assistance.

We also see another benefit, because with increased technology and with mandated support services we will see a whole expansion in terms of business. So there's an economic spinoff as well.

The access that I'm talking about has a global effect. I call it global accessibility. Things such as ramps are not only beneficial for people in wheelchairs but for moms and dads with strollers. Closed captioning is not only beneficial for deaf, hard-of-hearing and deafened children and adults, but it's also beneficial for people who are learning English as a second language, because it enhances literacy skills. That applies to young children who are learning to read. Also, literacy skills of course are an absolutely vital skill in today's highly technical age.

Overall, what I see as important is that the disabled community, government members, opposition, labour, business and the broader community as well as the media work together in solidarity and continue to fight that this

legislation actually be passed, that we increase public awareness, that we have an opportunity for disabled people to come out to public hearings and talk about how they feel. This may lead to, say, a government discussion paper, because what we have to do is make sure that we get input from various members of society. There's a great deal of education that needs to be done on the part of the disabled community to the broader community.

The overall goal is to dismantle those old barriers that have been with us for so long and make sure that there are not new ones put up to take their place and to make sure that attitude that has said, "disabled people can't" is changed to one that says, "disabled people can"; that we allow disabled people to have the pride and dignity and self-esteem that we all deserve.

The key word is "respect"; respect for disabled people and for their rights. Give them the rights, the responsibilities and the opportunities that we all have. It's time for our government, government members and opposition members, to work together to make sure that rights are in fact in place and that full equality does exist. Paternalism should not be a part of today's society; we have had enough of that. Disabled people are important, contributing members of society, and they do have a place in this society.

Interruption.

The Deputy Speaker: I would ask the visitors in the galleries to refrain from applauding. It's against the procedure to do that, so I would encourage you not to do it. The member for Scarborough North.

Mr Alvin Curling (Scarborough North): Mona Winberg wrote in her column on June 12, 1994, that June 16, 1994, would be an important date for disabled people in Ontario. She was referring of course to Bill 168, which is before us, An Act to ensure Equal Access to Post-Secondary Education, Transportation and Other Services and Facilities for Ontarians with Disabilities. Indeed it is a very important piece of legislation, and I will be of course supporting this bill in principle as it seeks approval on second reading but not without some serious concerns that I have and that other people within the community have expressed to me.

There is no doubt that more must be done to integrate our disabled into the mainstream of our society. The NDP government had promised the disabled community that this issue was a priority on its agenda. It seems that the member from their caucus got really fed up waiting and had to introduce a private member's bill in its place. It is unfortunate that the member had to take that route, instead of the minister who's responsible for the disabled bringing forward a government bill.

I've had the opportunity to discuss the matter with a number of people who have a vested interest in this issue. They all recognize the importance and the urgency of this matter. David Baker, for instance, the executive director for ARCH, expressed his support for this bill but raised the concern of the spending cuts by the government that will adversely affect the effectiveness of the initiative.

When I raised the matter that it seemed that much was left to regulations—because I too was concerned that

many of the aspects of the bill were left to regulations—which did not accompany the legislation, his comment was that he had no problem in that regard. He pointed out to me that even within the American system, when they had a bill of this nature that was mirrored like this, that benefit was left to the regulations.

If he is comfortable with that, I feel a bit more comfortable with what is left to regulations, although sometimes we don't know what's in the regulations until much later. Beryl Potter, as you may remember, one of the strongest advocates for the disabled, also welcomed this legislation, but is extremely critical of the government cutbacks in funding for the disabled group.

Many of my colleagues have expressed their concerns about the bill, especially my colleague from Ottawa South, who has been monitoring this bill, who has been in contact with the Council of Ontario Universities, the COU, as it is called. They have indicated to the member for Ottawa South some concerns that they have with the bill and also how it was handled. Of course, he speaks and they spoke in respect of the consultative method and the fact that they should be consulted more. I just want to list a few of their concerns in the short time, because I know my other colleague would like to share some of this time.

They felt that, "Bill 168 could seriously interfere with the balancing of priorities which the post-secondary institutions must undertake in order to increase learning opportunities for all equity-seeking groups." They expressed also that the bill, of course, is not accompanied by regulations. I've expressed to you too that was my concern, but I'm not too concerned about that right now.

They expressed that even with employment equity there was much more consultation about the regulations, and this one had no consultation whatsoever. That's another matter about employment equity which has been legislated, and yet not proclaimed for so long.

Interjection.

Mr Curling: Of course, the member must have his comment. Every time his voice must be heard. But we all know that consultation is a very important part of this legislation.

"The bill as written represents a serious intrusion on the authority of universities' board and senate. It would specify university policy with respect to admissions criteria, curriculum content and budget expenditure priorities." They expressed that concern.

They also expressed that, "Bill 168 would require that post-secondary institutions admit and educate students 'in accordance with access to education principles'... these principles have not been developed in consultation with post-secondary institutions." I hope that when it goes out to public hearings, they would then discuss that and have some more involved consultation with the post-secondary institutions.

1120

The universities also expressed that their "experience with the provision of services to, and the renovation of facilities for, students with disabilities indicate that the costs of accommodation can be much higher than the

special grant currently provided by the Ontario government for that purpose. If the bill's demands were now to be met with the urgency outlined in the legislation," with that kind of priority, "it would require the immediate infusion of significant funding." The government now has indicated that it has not had enough funds and funds were cut off in that respect.

I recall—and of course my colleague mentioned it—the question to the Minister of Education and Training about funding to the secondary schools, that in his response to my colleague he had said, "I'd like to move more quickly, but everything costs in terms of resources."

We know that at a time when all governments are faced with the restriction of funding, it must measure its priorities. But I'm telling you that people like the disabled group, who have been shut out and denied access to education, should be a priority for this government.

So I will be supporting this legislation, and I know more consultation must be done. We have a long way to go to include these people in our society so they can be competitive, able to work and able to live an independent life and contribute, and they have so much to contribute to our society. With that, I urge some of my colleagues too to support this legislation, and the reservations they have in regard to this could be resolved in the consultation process and the hearings.

But again I must express my disappointment in the government not bringing forward a government bill so we could deal with it more seriously. We know the history and the life of private members' bills: that it gives false hope to people outside that something is being done, when we know it shall die on the order paper. You, Mr Speaker, have had some very important bills that would have made such a great impression and changes but have never seen the light of day, bills that are there from 1991. I urge you, if you're going to go through the private member's bill process, to support it and move it along as quickly as possible.

Mrs Dianne Cunningham (London North): I'm happy to have the opportunity to speak to the bill this morning. I'm very disappointed in the process. I feel this government has a number of programs it should have been supporting. I was happy to see the Minister of Health just last week make an announcement to support independent living, where they're working with people with disabilities to hire and train their own attendant workers. I think it's extremely important.

I personally have tried to work with the ministry with regard to job shadowing. This is where disabled people have jobs but can't keep them, because the employers just give them to them because they think it's the right thing to do but don't encourage them over a long period of time to stay at that work and help them move forward.

I know a lot about people with disabilities, because I have a head-injured son. I don't think Kevin would have appreciated this legislation today at all, because the colleges and the universities we've communicated with tell us that this actually throws bureaucracy and red tape in the way of getting things done.

I would like to take the opportunity to talk about what

we have done and to underline that there are so many more programs that must take place so that our disabled community can become a very real part of society. I've worked, as a mother, for the last 10 years making that happen, not only for Kevin but for the disabled community in London. I want to tell you what we have accomplished in the last 10 years.

The member should know that I'm very disappointed in him personally, that he did not reach out to the colleges and universities to find out how this legislation would be helpful. So we had to do that, but we only had a week, so I'm sorry we only have responses today from the University of Toronto, the University of Western Ontario, Seneca College, Sir Sandford Fleming College, the University of Guelph, and Fanshawe College. All my colleagues have been in communication with any college or university in their ridings to see if they can be helpful, and I want to pledge my support to the member in his intent to make this world a better place for the disabled community.

To begin with, I'd like to talk about a very special young man. The first year I was elected here, six years ago, Martin Anderson was one of my constituents. He is a young man who suffers with a neuromuscular disease and went to Cubs and Brownies along with my children in London over the years and was a friend of my boys.

This is Martin: "My first year in residence was a unique experience. Not only did I get a chance to live away from home and go to university but I was also able to experience some of the finer points of residence life. Carleton's attendant care program really opens up the opportunity for people with disabilities to participate fully in university life and realize that they are not as limited as they may think.

"When I first came to Carleton, I was pleasantly surprised that most of the misconceptions about people with speech impairments were not present at Carleton. This made me more comfortable and allowed me to participate in a wide range of campus activities.

"Carleton's reputation as a university capable of accommodating people with disabilities is well earned and is being improved year by year. Just remember, when you go to university it is not who you are but what you can do that counts.

"Lastly, openness and a willingness to participate will take you as far in university as it will in life."

This was An Accessibility and Resource Guide, Carleton University 1990-91. I wanted to put in on the record, because I think all of us are proud of the Martin Andersons who work, in spite of their disabilities, to make a real difference. Now, there are many who don't have his resources, and that's who we're speaking about today, but I did think that was important.

The Council of Ontario Universities was absolutely shocked not to have known about this legislation, and it sent, I think to all of us, its concerns with Bill 168. They stated:

"The bill as written represents a serious intrusion on the authority of the universities' board and senate. It would specify university policy with respect to admis-

sions criteria, curriculum content and budget expenditure priorities. Without regulations, it's difficult to speculate on the extent of that intrusion." So we say, "Well, that's the bureaucratic response we might have expected." Let's go on:

"Bill 168 would require that post-secondary institutions admit and educate students 'in accordance with access to education principles,' which are then defined in the next section. However, these principles have not been developed in consultation with post-secondary institutions"—or the disabled students who are registered and working at those institutions now, and they should have input into this.

"The universities' experience with the provision of services to, and the renovation of facilities for, students with disabilities indicate that the cost of accommodation can be much higher than the special grant currently provided by the Ontario government for that purpose."

So the member is going to have to work very hard with the government of the day—and I notice the Minister of Education and Training isn't here, and I absolutely share the concerns of my colleagues and I'm sure the member himself: Where is the government? Where is the minister introducing this legislation? Why does a private member have to take this responsibility on to himself? For that, I commend him.

"If the bill's demands were now to be met with the urgency outlined in the legislation, it would require the immediate infusion of significant funding which the universities have been led to believe is not possible in light of the province's current funding problems," so the funding envelopes will have to come from some other place.

The University of Guelph today in a letter to my colleague the member for Wellington North states:

"The University of Guelph has developed a comprehensive coordinated plan, that involved all the institutional constituencies, in support of the learning needs of students with disabilities. This plan included the appointment of a coordinator of services for students with disabilities, the establishment of a centre for students with disabilities, the hiring of professional and support staff, the purchase of adoptive technology, the allocation of resources to support faculty in adapting teaching strategies and develop awareness within the university community, and the introduction of a mechanism to coordinate the activities of university personnel—admission officers, academic counsellors, counselling staff, housing staff—with regard to issues and needs faced by students."

Most of the universities, since I've been working with them over the last five years, have made significant gains, because I've made certain as I visit the universities and the colleges that I brought this to their attention. I have taken a look at their documentation and their success and their failures over the years.

This one is from Fanshawe College. There's a lot of detail here and a lot of policies were forwarded to us. This is the bottom line from Fanshawe College. The bottom line is probably very much like the note that went with the legislation.

"We are making tremendous strides on our own, for

good educational reasons. The question is this:—"Why would we need this legislation to make the process more complicated?" They've looked at it and they think we now have a more complicated process. Working on their own without red tape is something they want.

I don't have enough time to read in all of the other concerns, but I will send them to the member.

1130

Mr David Winninger (London South): I congratulate my colleague from York East for his commitment and fortitude in bringing forward Bill 168. He's alluded to the fundamental rights enshrined in the Charter of Rights which govern a free and democratic society. One of those rights, of course, is the equality before and under the law and the right to equal protection and benefit without discrimination based, among other things, upon mental or physical disability.

These fundamental rights are carried into our Human Rights Code of Ontario, which forbids discrimination and vouchsafes to every individual the right to equal treatment in employment, services, goods, facilities, contracts, accommodation and vocational associations without discrimination because of disability.

It's important that the member for York East has seen the need for legislation that will complement many of the innovative and progressive steps already taken by this government that are designed to meet the needs of people with disabilities. I'm talking not only about long-term care, I'm talking not only about employment equity, I'm also talking about the restructuring of the Ontario Training and Adjustment Board and certainly also our advocacy legislation, unique in North America.

Many of the needs that have been identified over the years by the Ontario Advisory Council for Disabled Persons with respect to transportation, with respect to independent living, with respect to access to employment, have been met. However, the ground is quite unlimited for improvements. Bill 168 goes a long way towards meeting those very vital needs that put people with disabilities on an equal footing with all other people in society.

It's important that the member did consult with his community and determine that post-secondary access, transportation, access to government publications, training programs and communications were paramount. He did do extensive communication. We've heard a lot from the member for London North about the plight of colleges and universities, very little today about the plight of those with disabilities. Surely, when this bill goes to committee on second reading, the colleges and universities will have the opportunity to put forward their submissions, their suggestions, their amendments to make the act work better.

My time is short because I have three other colleagues who wish to speak as well, but I wanted to allude to a resident of London. Her name is Dr Bapai Batliwalla. She's in her 70s. She's only been blind for seven years. She's trained in psychoanalysis. She took a considerable amount of her life's savings and gave it to the University

of Western Ontario so they could purchase an optical scanner for the use of students. She's a fellow at the Westminster Institute of bioethics.

Her main concern, she told me as recently as last week, is transportation: little flexibility in terms of the paratransit system in London. Being blind, she can't even read the meters to know whether the fares are accurate if she takes a cab. The CNIB provides a ride to medical appointments but not to other appointments. I hope she's listening today and I hope she appreciates the bill that my colleague has put forward. I think it's designed to improve both her lifestyle and that of others with disabilities.

Mrs Yvonne O'Neill (Ottawa-Rideau): I'm pleased to participate in this debate on the reading of Bill 168. I'd like to restrict my comments to part I, section 5 of the bill, those provisions which deal with the principles of access to education for people with disabilities.

On Tuesday of this week during question period, I asked the Minister of Education and Training a question about access to secondary school education for students who are over the age of 21 and who are developmentally disabled. The process of access to secondary school is a necessary prerequisite for the access contemplated in Bill 168.

As I questioned the minister, I presented him with a letter from a parent in my riding who had gone to considerable effort to collect over 2,500 signatures of Ontario taxpayers, many of them parents like herself, in support of her request for education for her son and his peers.

The minister did not answer the question posed by those concerned parents. He shared instead with the House the platitude, "I think what we have to try to do during this difficult time of controls on expenditures is to make as much progress as we possibly can," and then he added, "I'd like to move at the post-secondary level, but everything costs in terms of resources."

This minister's answer to my question posed by these concerned parents must have been less than reassuring to the member for York East.

The principles of access to post-secondary education for people with disabilities, as expressed in section 5 of Bill 168, will not be very effective if those students cannot access or complete secondary school as a result of arbitrary age restrictions placed on secondary school funding by the Minister of Education and Training.

As families are being encouraged to take care of their children at home, the government has the responsibility to provide integrated services to those families. There's no point in promising supports for community living which exclude educational opportunities within the schools in the neighbourhoods in which the families reside.

Also relevant to this debate is the fact that we continue to see, as has been mentioned earlier this morning, inadequate support for less expensive family-based services such as special services at home.

I urge the member for York East to encourage the ministers of Community and Social Services, Health, Education and Training, Transportation and others to begin to

talk seriously about the provision of integrated services for families to enable them to assist their children to achieve their full potential within their own communities.

Community-based services must include health care, education, social services, recreation and transportation and must involve all the ministries which deliver and fund these transfer agencies. All of the ministers who are responsible must work together to provide whatever services are required by Ontarians with disabilities in whatever community they live.

As I close, I'm reminded, especially in this year of 1994, the end of the NDP mandate, of other occasions in this House where I've spoken on legislation brought forward by backbench members of the NDP government and not by the minister responsible. I and the families and other members of this Legislature and individuals impacted by these initiatives are left to wonder about the real priority given by the cabinet to issues raised in this way.

The Minister of Community and Social Services used the same strategy very recently on Bill 158 concerning adoption disclosure, another bill brought forward by a private member. As you know, these matters are restricted to but one hour of debate on second reading; one hour for the members of this House from 130 ridings right across this province to discuss legislation with serious implications for many people right across the province, in this case the many, many thousands who suffer either physical or mental disabilities. Sadly, Bill 168 seems to be suffering a similar fate to Bill 158.

Again I say, as I said that morning, that I would like to encourage the member for York East that although he is seeking what he desires and which I consider commendable in his private member's bill, I truly hope, and I say that from the bottom of my heart, that he can bring the responsible ministers on side, but they have to be brought on side in a meaningful way, and the meaningful way must include very serious allocations in the budget that show that this is a government priority. The ministers must be brought on side to lay the groundwork that would be achieved in Bill 168.

1140

Mrs Margaret Marland (Mississauga South): I am happy to stand in the House this morning as the spokesperson for people with disabilities on behalf of the Progressive Conservative caucus and say that of course we support the intent of Bill 168.

I do, however, just have to make one comment on something that really upset me this morning, and that was that the member for London South would criticize the member for London North and say that she does not speak about people with disabilities or their plight or their challenge. This is a member who has a head-injured adult child. She has suffered with her son and also made progress with her son and I think it's unfortunate that the member for London South would not recognize what this particular member has endured with her son Kevin.

There is a tremendous frustration in having 15 minutes for our entire caucus to speak to this important issue this morning. I think more than anything what really upsets me is that this is not a priority for this government. If it

were a priority for this government, the member for York East would not have to stand in his place this morning. It would be a minister of the crown who would be standing here, producing and announcing finally an Ontarians with disabilities act, a promise which was made by Premier Bob Rae when he campaigned, before he was Premier, in the summer of 1990.

The worst thing that politicians can do is use people, and I say to this government, the Minister of Community and Social Services finally responded on June 10 to my resolution of last December 2 dealing with people with developmental disabilities; seven months for the minister to respond to a resolution supported by all three parties in this House. That speaks volumes about the commitment of this Bob Rae socialist government to people with disabilities.

That is the reason that the member for York East has to come to this House this morning with a private member's bill. Everybody understands what a private member's bill is. Helen Henderson, in the Toronto Star, says very clearly in the second paragraph of her article on this bill, "The document tabled Tuesday in the Legislature was a disappointment because it was not introduced by the government itself." That's the whole point of the issue that we're dealing with.

There is a lack of priority by this government. This four-page letter that took seven months to come, dealing with people with developmental disabilities, recognizing that's only one area of disability, states very clearly that they have reduced their funding. They are admitting finally that they do not have the funding in place that they had talked about committing. They talk about the fact that their transfer payment budget was reduced by \$1 million. They talk about not being able to deal with the needs because, and they use words like "constrained funding," "another \$1-million reduction." Then they say they know that the funding this year will not meet the needs of all those people who are currently waiting for service.

What really upsets me is that this government is not without money. What it is without is setting priorities in terms of human need in this province, and that I will not tolerate. That is the position that I have been taking for the last nine years, particularly the last four years with this government.

Where this government stands on this issue was demonstrated yet again last summer when it removed the rights of parents to have their children access education programs, if those children are in the category of being at risk, which of course includes our severely disabled children. We, as a government, in 1982 gave those people and their children, those special-needs families, Bill 82, so they were guaranteed a right to education. Now, as of last summer, that right is removed. What are the options for those parents and those children? To go out of province at their own expense. That is how this government demonstrates its priorities, and we will not sit back silently and watch this gamesmanship at the expense of these people.

Unfortunately, one other aspect, in the brief time that I have to address this bill, is the enforcement of it. I say

with regret to the member for York East, believe me, I'm supporting the bill because of its intent, but I want to tell you that the compliance of the bill, where you say that the enforcement will be dealt with through a complaint to the Ontario Human Rights Commission—what a farce.

I have a number of constituents who have obviously tried to deal with the Ontario Human Rights Commission, but I'll tell you, I have one in particular who came to mind when I saw that in this bill. This gentleman has been fighting with the Ontario Human Rights Commission for six years now, and he is dyslexic; six years of his life to try to get his rights established against a former employer, six years and \$4,000. He's out of money. He cannot access his human rights today through the Ontario Human Rights Commission.

It is no good, I say to the member for York East, to say they can seek to address their rights to your bill through the Ontario Human Rights Commission. If this government can set up a whole bureaucracy to deal with rent control and the rights of people who complain because they're being charged too much rent, surely we can establish some kind of bureaucracy in support of the needs of people with disabilities. Where are the real priorities of this government?

I say that a bill that does not address that and does not have any mechanism for fines is shallow; it's empty. Again we come back to the fact that it's no good putting something in words when there's no financial commitment by the government to back it up, no financial commitment to the institutions that are going to have to implement this bill. We simply say—

The Deputy Speaker: Your time has expired.

Mrs Marland: —let's stop playing games and deal with the needs. We don't need any more games or any more reports. We need action now.

Ms Jenny Carter (Peterborough): I'd like to congratulate the member for York East. Since his election in 1990, the member has been a powerful advocate for the rights of people with disabilities and an example to all of us.

My own time as an MPP has been a great educational experience as regards the capacities of people with disabilities. Just as I myself am disadvantaged in the world of Queen's Park by chairs and other furniture meant for people 10 inches taller than I am, many people are prevented from functioning properly because the world is just not geared to their requirements. There has been a self-fulfilling assumption that people with disabilities would be housebound or institution-bound, that they would not be employable and that they would have to be subsidized and cared for all their lives.

Modern technology has made available a wide range of devices and mechanisms which can compensate for disabilities. There has been enormous progress as a result, yet the feeling lingers that the financial layout involved is more than society or employers or institutions or businesses can really afford. But we have to remind ourselves that if the necessary effort and outlay are forthcoming, hundreds of thousands of people who now lead lives of dependency can become self-supporting,

productive citizens. Many have already succeeded in doing so. The cost to the taxpayer and society in general will fall as people are empowered to take control of their own lives and become contributing citizens.

1150

In Peterborough, I have come to know many groups comprised of people with disabilities and in particular PUSH, Persons United for Self-Help, Peterborough. This group works to make available to its members those accommodations that will enable them to function fully. The Alliance Centre has opened recently downtown and is a pilot for a wider project which will provide equipment and training to enable people with disabilities to enter the workforce.

Specialized computer software provides endless possibilities. Manufacturers are making equipment available because they know that this is the way of the future. I was also impressed by a successful community project to create a video, the first of its kind, with built-in signing for the deaf. This video is for expectant mothers and makes available vital information which might otherwise have been difficult for them to come by. A sequel is already planned.

Specialized vehicles, ramps, elevators, specialized telephones, doors which open automatically, accessible washrooms and kitchens, captioned televisions and attendants hired and trained by the consumer all need to be in place before disabled people can inhabit the world as easily and productively as the rest of us. But while one component needed by an individual is missing, they may be unable to take advantage of the rest.

There is a change occurring in public awareness of what disabled people can achieve, given the chance. We must encourage that change, while understanding that it will take time and that there will be some demands that cannot be met. Obviously, fair access to transportation and to higher education are vital requirements if disabled people are to take their place in society.

Mr Larry O'Connor (Durham-York): It's my pleasure to rise in my place today and add my support to Bill 168 and to the member for York East, Gary Malkowski, a good friend of mine. I want all the members of the House to know that he's got full support from his caucus colleagues on this.

This isn't one of those things where we'll hear from opposition critics saying, "Well, it's not good enough," or going out there and speaking against housing, which of course includes supportive housing for people with disabilities, and then say, "Well, we really didn't mean that part." This is about something different. This is about going that much further and getting beyond the partisanship about this Legislature, which seems to happen.

The Ontarians with Disabilities Act—who are the people? If we take a look at the Legislature itself, the building is over 100 years old. The difficulties that people have—our visitors who are here today with us, people who have come from all over the area, the difficulties that they had just coming into the Legislature to watch us, to watch the participation of the debate. Even members of the House—this past winter seemed

like a year for crutches around here because member after member seemed to be getting hurt. It was so easy that even my good friend and colleague the Minister of Agriculture could have been injured very severely and we would have at that point said, "Yes, we have to make this House more accessible." We need to go beyond that. We need to think about today. This addresses making education facilities accessible, to make people employable, to allow people the dignity to be employed.

It's time municipalities started cooperating. I think of the injured workers' group up in my riding. They wanted a spot in front of their office so that injured workers who want to go in for a consultation with their advocates would have a space so they don't have to walk for a block and a half, and yet the town turned them down. It must be frustrating for them. Here's an injured worker trying to get a little bit of advocacy work, someone to help them out, and they're turned down.

The town of Whitchurch-Stouffville, the access committee there—here they are, trying to provide accessible taxis and yet Metro comes in with its licensing and then the province has to step in with an omnibus bill to overturn that, that is going to allow someone from my riding to come to Toronto and not have to wait or book a month in advance to get transit to go back. I'm sure my colleague from Transportation would speak on that.

We could probably talk about the needs of families that aren't addressed. The announcement made two days ago by the Minister of Health about the \$4.4 million goes a long way, and I think this complements exactly what the member for York East has done here. So my hat is off to him. The needs are so important. I'm pleased that I had the opportunity to participate, albeit briefly, in this debate this morning.

To my constituent who called and wanted to know if I'm going to support it: You're darned right I'm going to support it.

Mr George Dadamo (Windsor-Sandwich): It's a pleasure to stand and speak to this private member's bill put forward by my colleague the MPP for York East. I'd like to place some information into Hansard on behalf of MTO, as well as being the parliamentary assistant with direct responsibilities to disabled issues in the last three and a half years.

The Ministry of Transportation supports the spirit and intent of the bill as it relates to many transportation initiatives and programs undertaken by the ministry and already in place.

In light of various MTO initiatives moving towards making transportation more accessible to persons with disabilities, the obvious question is, how would this bill impact on these initiatives?

Bill 168 creates a right of access for persons with disabilities to transportation services. The bill requires municipalities to develop and implement service plans in this respect.

The Ministry of Transportation, through the Public Transportation and Highway Improvement Act, provides subsidies for conventional and specialized transportation to municipalities, including districts, regional municipal-

ities and metropolitan areas. Just yesterday we met with John Feld and the Trans-Action Coalition as we continue to address their wide and varied needs.

The provision of public transportation is a municipal responsibility and decision, as they are in the best position to determine demand for services and are best able to develop a system to meet their unique transportation requirements. The province, of course, supports municipal transit programs through the provision of financial and technical assistance. As a condition of subsidy, the municipalities are directed to prepare and present to MTO a full accessibility implementation plan.

The current legislation does not mandate provision of service or which services are required to be accessible; rather, it allows the province, through MTO, to fund the service that the municipality determines to be required.

Furthermore, the current ministry guideline for purposes of subsidy for specialized services is based on physical functional mobility. There has been considerable debate among transportation providers and users of specialized transit regarding this very issue.

In this bill, the definition of "disabilities" extends to cognitive impairment and not just physical functional mobility focused on in current transportation programs. While this definition may be appropriate to other parts of the bill dealing with, for example, education, it raises some questions as to its applicability to transportation systems. The expansion of services to include persons with cognitive disabilities will put severe financial stress on municipalities and will of course limit the service they can provide to persons with physical disabilities.

In this respect, the ministry remains committed to the family of services concept, including fully accessible conventional public transportation, community buses, accessible taxis and specialized transit services, in order to meet the wide range of transportation needs for persons with disabilities and the variances between the municipalities.

Through this bill, the ministry welcomes the opportunity to discuss ways to improving accessibility and support the mobility rights of persons with disabilities.

As parliamentary assistant to the Minister of Transportation in Ontario along with many other dedicated staff within the ministry, we continue to focus on disabled issues throughout this province and to attempt to make it easier for all to get around.

I offer my personal congratulations to my colleague the member for York East for the introduction of Bill 168 on May 31, 1994.

Mr Malkowski: I would like to thank the various members of the House for their comments and for their support of this bill. I would like to remind all of the members here today that a very large population in Ontario are disabled and that in fact that number is growing. Some 40% of all seniors are disabled, 55% of people who have been injured at the workplace become permanently disabled, and many of you, as well as people we know, have been disabled or injured through accidents and so on. So we have to remember that in fact the population is growing.

I'd like to mention a specific person here today, Kenny Walker, who used to play for the Denver Broncos in the NFL. He mentioned that he really appreciated the fact that the Americans with Disabilities Act allowed for an interpreter to be provided for him while he was playing with the Broncos. He's now with us in Canada playing for the Tiger-Cats and has faced some real concerns in terms of getting an interpreter and access to that service. That's why the Ontarians with Disabilities Act needs to be in place to address all issues of accessibility. So I would encourage all of the members in the House to support this legislation.

The member for London South has some interesting information from the colleges and universities, but I will make sure that in fact the colleges, universities, people with disabilities, people from varying communities have a right to come out to public hearings and make their concerns known.

I'd like to thank a few specific groups: PUSH, ARCH—Persons United for Self-Help; the Advocacy Resource Centre for the Handicapped—People First of Ontario, CNIB, CHS, the Wider Disabled Community, the Ontario Association of the Deaf, the Ontario Network of Injured Workers' Groups and United Disabled Consumers of Hamilton. It's time that we all came together and worked together for this cause.

The Deputy Speaker: The time provided for private members' public business has expired.

SCHOOL BOARDS' FISCAL YEAR

The Deputy Speaker (Mr Gilles E. Morin): We deal first with ballot item number 63, standing in the name of Mrs Cunningham. If any members are opposed to a vote on this ballot item, will they please rise.

Mrs Cunningham has moved private member's resolution number 45. Is it the pleasure of the House that the motion carry? Carried.

ONTARIANS WITH DISABILITIES ACT, 1994

LOI DE 1994 SUR LES ONTARIENS QUI ONT UN HANDICAP

The Deputy Speaker (Mr Gilles E. Morin): We will now deal with ballot item number 64. If any members are opposed to a vote on this ballot item, will they please rise.

Mr Malkowski has moved second reading of Bill 168, An Act to ensure Equal Access to Post-Secondary Education, Transportation and Other Services and Facilities for Ontarians with Disabilities. Is it the pleasure of the House that the motion carry? Carried.

Shall it be referred to the committee of the whole House?

Mr Gary Malkowski (York East): I would like to refer it to the standing committee on administration of justice.

The Deputy Speaker: The bill will be referred to the standing committee on justice. Agreed? Agreed.

As the time for private members' business has expired, I will now leave the chair. The House will resume at 1:30 of the clock.

The House recessed from 1202 to 1331.

MEMBERS' STATEMENTS

JOB SECURITY

Mr Ron Eddy (Brant-Haldimand): The NDP says the recession is over, but the people in my riding of Brant-Haldimand are still looking for answers that will bring back jobs to their communities, which have been so badly hurt by the recession.

CNR is intending to abandon a local rail line which is an important transportation link for a number of local businesses in my riding. A number of citizens are looking to start up a short-line rail operation to keep the trains running on this line, but Bill 40 has made it impossible for a small operator to take over the line and stay in business.

I want to know when the government will help save the jobs of my constituents. I want the government's assurance that it will support the amendment of the member for Mississauga West, which would fix the problems created by Bill 40 and save the rail line from Hamilton to Caledonia and the many jobs that go with it.

CN says Bill 40 is the problem. Business people who want to buy the line know that Bill 40 is the problem. Haldimand-Norfolk regional council, which is fighting to save the line, knows that Bill 40 is the problem. The official opposition knows that Bill 40 is the problem.

Why doesn't the government realize that the workers, investors and entrepreneurs of this province, who are actually trying to create jobs, need their help? I wonder how long the government intends to drive the economy off the rails.

I want to know when the government will come to its senses and fix Bill 40 to save jobs across the province. We need help now to save this line.

DOUGLAS LOUGHEED

Mrs Dianne Cunningham (London North): On May 19, Mr Douglas Loughed, principal of Danforth Collegiate and Technical Institute in this city, won the distinction of being named outstanding leader in education in the 1994 Reader's Digest Leadership in Education Awards. Mr Loughed was selected from among 200 nationwide nominations submitted by parents, school board officials, school administrators and fellow educators. He and the school will share \$20,000 from the Reader's Digest Foundation of Canada for his work in creating a safer, more accessible learning environment for students at Danforth Collegiate.

Mr Loughed is well known among educators. Four years ago, when Doug arrived at the school, he developed a number of initiatives to deal with high-risk students and with youth alienation and its impact on the school. His conflict resolution program for students and the school's cooperation with the local police street crime unit have helped create a safer learning environment in this large, inner-city high school.

The Fast Track program enables potential dropouts to graduate as quickly as possible. There are a number of students who are 16, 17 and 18 years of age who are behind in their credits. They find ways to put them in a program which enables them to move more quickly through the system.

On May 30, 1994, Doug Lougheed and his wife Margaret Ann, who is a guidance counsellor at Northern Secondary School, took the time from their busy careers and their busy lives to make a presentation to the standing committee on social development, which was reviewing "children at risk." They made an excellent statement on behalf of the many students they have worked for over the years and informed members of the committee of their solutions to assisting students who are at risk.

After 35 years of service with the Toronto Board of Education, Doug Lougheed is retiring. We will all remember his commitment to improving the school experience for many of our students. I would like to take this opportunity to extend our best wishes to Doug and Margaret Ann for all the work they have done and to thank them for their tremendous contribution to education in Ontario.

EDUCATIONAL FACILITY

Ms Margaret H. Harrington (Niagara Falls): Last Monday the Minister of Education and Training, Dave Cooke, and myself were in Niagara Falls for an announcement which means jobs, good education and unique cooperation between school boards.

Mr Speaker, \$6.4 million was announced for Niagara South Board of Education and the Welland County Roman Catholic Separate School Board to build a multi-use facility for northwest Niagara Falls. Shared facilities such as the science lab, the gymnasium, the washrooms, playing fields and parking, as well as a day care facility, will mean cost-efficiency for the local taxpayers. Other options to be considered include a branch of our public library and community agencies at this location, such as FACS, and recreation on adjacent city-owned land.

Our boards are already, over the past years, working together, sharing student transportation as well as ordering of supplies. I remember that back in January 1992 I brought then board chairs Arlene Atherton and Malcolm Stockton together at my office to discuss the long-term capital needs of education in our city, especially the northwest area. I urged them to work together, and here are the results. To quote Mr Cooke: "This sends a very, very positive, powerful message to taxpayers that this government is looking at things differently. In fact, cooperative efforts are now given priority for funding at Queen's Park."

It only makes sense to work together to save taxpayers' dollars, and I'm proud of the city of Niagara Falls.

DAY OF THE AFRICAN CHILD

Mr Alvin Curling (Scarborough North): I bring to the attention of the House today that June 16 has been declared the Day of the African Child to commemorate the 1976 massacre of children in Soweto, South Africa.

This important day takes on a special significance given the recent developments in South Africa. Now in its fourth year, the Day of the African Child has come to mean more than simply commemoration. It is a celebration of the beauty, rich diversity, and perhaps its greatest resource, its children.

The Day of the African Child also serves as a forum

where prevailing myths about Africa can be dispelled. It is an opportunity to highlight the many accomplishments of the continent rather than focusing on the hardships.

Not every African child suffers from disease or malnutrition. The death rate of children under five has been cut in half since 1960, and the average life expectancy in Africa has risen to 54 years, an increase of 13 years since 1960.

African governments provided safe water and adequate sanitation to an additional 120 million people during the 1980s, and now over 80% of the children living in urban areas have access to safe water.

Of course, commitment to meeting the needs of African children starts in Africa itself. As of January 1994, over 35 African nations have ratified the Convention on the Rights of the Child, the international treaty that guarantees children the basic human rights of survival, protection and development under all circumstances.

I ask all members of this House to join in celebrating the Day of the African Child. By working together, we can achieve so much on behalf of the children.

VEHICLE LICENSING OFFICE

Mr Robert W. Runciman (Leeds-Grenville): Approximately two weeks ago, the Ministry of Transportation closed the vehicle licensing office in the rural village of Athens for an illusory saving of \$10,000 to \$15,000 a year.

This office has been operating in the village for more than 30 years and had been serving close to 4,000 customers annually. The arbitrary closure of this important office is a clear reflection of the NDP government's attitude towards rural Ontario. Ignorance, neglect and contempt appear to be the hallmarks of the NDP's approach to the rural way of life.

A week after the Athens office closure, the Ministry of Transportation announced it was spending \$500,000 to install bilingual highway signs in the greater London area—this from the same minister who could find more than \$5 million of taxpayers' dollars to put bilingual highway signs in the Hamilton-Toronto corridor.

Gilles Pouliot, the Minister of Transportation and minister responsible for francophone affairs, has no reservations about spending millions of dollars on unneeded and in many cases unwanted pursuits which fit his political ideology, while at the same time he coldly ignores the pleas of a rural municipal council, a chamber of commerce, a seniors' group, business people and other concerned citizens for some pie-in-the-sky \$10,000 saving.

The closure of the Athens licensing office is itself a kind of sign to the people of Ontario, in French, English or any other language, of this minister's arrogance, favouritism and disregard for rural needs.

1340

COMMUNITY NEWSPAPERS

Mr Ron Hansen (Lincoln): I rise today to pay tribute to two community newspapers from Lincoln that recently won a number of national awards. The Lincoln Post Express in Beamsville and the West Lincoln Review in Smithville won a combined total of four awards in the 1994 national community newspapers competition.

The Lincoln Post Express won a blue ribbon award, meaning it was in the top third in general excellence in its circulation category, and has also earned a third-place award in the photo essay competition.

The West Lincoln Review also garnered a blue ribbon award and it took third place in the best-front-page category in the general excellence competition.

Congratulations to the editorial staff of these two fine publications. Hats off to editor Judy McEwen of the Post Express, and reporter Terry McNamee; and kudos to editor Julie Hendriks of the West Lincoln Review and reporter Gary Davies.

Many of us take our community newspapers for granted, and yet the people who work for them are just as dedicated and educated as those who work for the better-known dailies. I'm told that the job of a community newspaper journalist is never done. Most work seven days a week, 52 weeks a year. That's dedication.

We should all support our community newspapers. After all, they're the people who shop in our community and whose children attend school with our own, and they're the people who will come out on a snowy Saturday to take a photo of the Brownie fly-up.

Again, congratulations to the Lincoln Post Express and the West Lincoln Review for a job well done.

ONTARIO ECONOMY

Mr Gerry Phillips (Scarborough-Agincourt): I wanted to wish the Finance minister well in his endeavours to sell Ontario bonds. I gather he'll be travelling next week to do that, and we support him doing that.

The point I wanted to raise, though, is the seriousness of the situation. Ontario is going to have to borrow \$12 billion this year, as you know, and we face a fairly serious situation. We've had now three credit downgrades that have put pressure on our borrowing costs. The Provincial Auditor, for the first time in history, qualified the opinion of the books, which put a little bit of a cloud around our finances. Our debt has grown, as we all know, from \$40 billion, when Bob Rae became Premier, to \$90 billion.

There are other things, though, that are troubling. The Canadian dollar is weak right now and causing unease in the foreign markets. Much of our borrowing, as you know, is done offshore in other markets. The interest rates in Canada are rising, putting additional cost pressures on us. We are now, in Canada at a 10-year high, I think, in terms of the interest rates on Canadian bonds, and the spread between Canadian bond rates and the Ontario bond rates is under a lot of pressure.

I wanted, as I say, to wish the minister well. We support him in his activities, but the situation is becoming serious, with some obvious cost implications for Ontario, but also some significant fiscal implications for all of us in the Legislature.

NATIVE LAND DISPUTE

Mr Ernie L. Eves (Parry Sound): On June 1, the Shawanaga First Nation closed the Skerryvore Road, which runs through its property to the community of Skerryvore in Parry Sound riding. Today, some 16 days later, there appears to be no substantive progress made by

the province of Ontario to resolve this issue and to ensure access for the citizens of Skerryvore.

Prior to the closure of the road, I questioned the fact that, given the nature of the issue, the Ministry of Municipal Affairs was designated the lead ministry by the government. I have spoken to all parties involved on several occasions, and no one seems to know why the Ministry of Municipal Affairs is taking the lead.

In fact, this morning on CKLP radio in Parry Sound a story was run stating that Shawanaga Chief Howard Pamajewon and the first nation's lawyer have decided to take their concerns to higher levels. The chief is not happy with the progress being made by Municipal Affairs and believes they have been using stalling tactics. In addition, according to the chief, the lawyer for the first nation attended an interministerial meeting this morning to discuss, among other things, which minister will be handling the issue.

Sixteen days after the closure of the road and 13 years into this dispute, while the residents of Skerryvore are being forced to access their homes by water, the government of Ontario is still trying to decide which ministry will be handling the matter.

This morning Chief Pamajewon informed me that although the ministry and first nation have shared information, there has been no concrete discussion of substantive matters—I repeat, some 16 days after the closure of the road.

I urge the government of Ontario to stop spinning its wheels and resolve this matter in the best interests of all concerned.

JOHN MCINTYRE

Mrs Ellen MacKinnon (Lambton): My riding of Lambton is well known for minor sports programs and the support of community involvement in providing young people an opportunity to develop their skills through many athletic organizations.

I'm very pleased to say that many NHL players have started their careers in the hockey programs in Lambton, and today I would like to pay special tribute to John McIntyre, a centreman for the Vancouver Canucks, who, as we all know, did an admirable job in the playoff games.

John was born in Ravenswood, near the town of Forest, in Lambton county. He attended Forest High School and from there he started his NHL career. John is the son of Mr and Mrs Glen McIntyre of Forest and he still resides in the Forest area during the off-season.

John is a credit to the community of Lambton and to the minor hockey system he first started playing in as a young boy.

It seems to be a dream of every young hockey player to play in the NHL and especially to have an opportunity to play for the Stanley Cup. This dream has certainly come true for John McIntyre.

Lambton county is very proud to see Mr McIntyre excelling in his career, and I do commend him for his accomplishments. As a matter of fact, I was at Forest High School to present him with his graduation certificate, but it couldn't be given to him because he was

playing his first NHL game that very night. So I'm really proud of John.

ANNUAL REPORT,
COMMISSION ON CONFLICT OF INTEREST

The Speaker (Hon David Warner): I beg to inform the House that I have today laid upon the table the annual report of the Commission on Conflict of Interest for the period April 1, 1993, to March 31, 1994.

ANNUAL REPORT,
INFORMATION AND PRIVACY COMMISSIONER

The Speaker (Hon David Warner): I have also laid upon the table the annual report of the Information and Privacy Commission, Ontario, for the period covering January 1, 1993, to December 31, 1993.

STATEMENTS BY THE MINISTRY
AND RESPONSES

SCHOOL BREAKFAST PROGRAM

Hon Tony Silipo (Minister of Community and Social Services): I'm pleased to inform members that our government is introducing a school- and community-based child nutrition initiative, and I would also note the support that's been given to this issue in the past by all three parties and hope that support will continue.

This initiative's goal is to promote healthy development for children, primarily between the ages of four and 13, and it will support communities at risk of experiencing problems with child nutrition.

It reflects what we have heard from interested parties and groups across the province. They've told us to let them find solutions that are unique to their own needs, and that's exactly what we are going to do.

I'm pleased to note the presence today in the gallery of a number of people who I know have expressed interest in this initiative, if I could briefly introduce them. We have Debbie Field from FoodShare, Pam Prinold from the Etobicoke Nutrition Network, Fiona Knight from the Coalition for Student Nutrition, Charmyne Urquart from Winchester public school, Marg McIntosh from Dundas public school, Jacqueline Latter from the Ontario Parent Council and our own Susan Parr from the Ministry of Community and Social Services, who did a lot of work on this initiative.

We realize that the government cannot ensure by itself that children get the nutrition they need, but government can help communities work towards that goal.

With funding of \$1 million a year, we will help community-based groups, including schools, to launch or improve a range of child nutrition programs. This funding will augment local resources.

The range of nutrition programs we will support includes meal programs, collective kitchens, community gardens and food-buying cooperatives, to name just a few.

Very shortly, the ministry will be inviting proposals from non-profit charitable organizations to administer and promote this initiative on behalf of the government. One important role of this administering body is to involve the private sector so that business can be encouraged to contribute to the various projects taking place within their communities. We will announce the name of this

organization by late July.

The organization will be supported by an advisory committee made up of representatives of such interest groups as consumers and parents, educators, businesses, social service providers, faith communities, food producers and distributors, public health and government.

1350

The role of the advisory committee will be to help the administering organization with the selection of local projects to receive funding, with promoting the initiative and to assist in other areas to further the success of this initiative.

Local projects, which could be run by churches, community centres, parent groups, social agencies, schools or local businesses, for example, should be based on partnership and community development.

We will be encouraging voluntary participation by children and their families in this initiative, with an accent on accessibility, cultural appropriateness, environmental awareness and non-stigmatization.

A maximum of \$100,000 will be used to fund the non-profit organization chosen to administer the initiative, leaving \$900,000 to fund the individual projects. These projects will receive up to a maximum of \$10,000 a year for three years. This approach will enable us to fund a good number of projects well into the future.

Information packages will be sent out by September to selected communities inviting them to submit proposals for funding. We anticipate that some of these programs will be funded and operational by early fall.

We look forward to supporting the ability of communities to respond to the nutritional needs of their children and promoting cooperation between community groups, parents, schools, the private and non-profit sectors and government in addressing this issue.

This initiative is an example of how this government is mobilizing partnerships in the community. Through these partnerships we further healthier lifestyles among young people and their families and we create opportunities for community development.

Mrs Yvonne O'Neill (Ottawa-Rideau): Mr Minister, I'm pleased you finally have made this announcement. I know you have been struggling with this in cabinet for a long time. You promised this to us in January 1994 at the very latest, and now, in June, you're suggesting that perhaps by fall we'll have something up and running.

In the same announcement, however, you state that the information packages will be going out in September and you will be inviting people, and I have a little bit of concern when you suggest that you are going to be inviting selected communities. I hope those communities will have criteria with which we can all live and that there will not be any political overtones to those invitations.

I'm pleased that nutrition programs will include meal programs, collective kitchens, community gardens and food buying co-operatives, whether these be non-profit, whether they be based with a church- or a parent-sponsored group. Your invitation to the private sector, as you know, has been received and indeed responded to in

many communities across this province and I know that your invitation will again encourage the private sector to get involved.

I hope that the advisory committee you have mentioned in your announcement will play a real role, and I hope in particular that the programs will be culturally appropriate and non-stigmatizing, because some of the initiatives of this government towards children in the very recent past have not had those qualities.

I'm concerned, Mr Minister, that you are devoting but \$1 million to a problem with so many tentacles. You do not seem to have—and I phoned the ministry as late as 1 o'clock today—an idea of how many people will respond to this initiative, but if my estimation of my figures of those in poverty in this province is true, this would be about one dollar per month per family in Ontario. I'm not sure your goals will be able to be achieved with that kind of figure. This is \$1 million of a \$9-billion budget of this ministry in a \$55-billion budget of this province.

I'm happy that you have given recognition, however, today to the many community-based programs that are already in existence, whether they be private or public or non-profit, and most of them, as you know, are very heavily dependent on the volunteers in the communities. They have been initiated within those communities and they're responding to the needs of those communities in their own unique ways.

But breakfast programs are but a small part of the solution that would really level the playing field between the poor children in this province and their peers in the middle class. We need a real focus in this province on lifting people out of poverty.

As you know, the social development committee has been working on this issue for the last few months. What the people who came before that committee told us was that we need in this province a real commitment to quality child care; a real commitment to this document which many people in this province have hooked on to, Yours, Mine and Ours; a real commitment to making children a priority day after day, budget after budget; a real commitment to supporting primary prevention and early intervention programs for children at risk and in need; a real commitment to the development of family support services, and I hope these food programs will be that; a real commitment to innovative funding designed to achieve interservice and interministerial integration; and a real commitment to ameliorate the fragmentation and lack of coordination that we see in so many of the ministries.

Mr Minister, I'm happy you have finally been able to recognize that there is a need. It's been recognized for over five years in this province. Indeed in opposition, your party pushed this very strongly. I'm sorry that it's taken four years for you to recognize the efforts, and I'm sorry that it's only \$1 million you're putting in, but I encourage you to make the most of that million and to continue to encourage those people who are devoting so much of their time to this worthwhile project.

Mr Michael D. Harris (Nipissing): I too want to take a few minutes to comment on the minister's announcement about what most of you in this House know has

been an issue I've advocated and fought for as leader of our party.

Nearly four years ago, just after your government took office, I asked the Premier to immediately coordinate a nutrition program for school children in Ontario. He said he would and I believed him.

A year later, on November 28, 1991, this House unanimously approved my resolution to establish nutrition programs for school children in Ontario through partnership with the private sector. Again I believed your government when you supported that resolution. In fact, 12 times I have asked in this House for your government to provide the leadership that was so desperately needed to set up a provincial program, and I believed you every time you said an announcement was just around the corner.

While I am pleased that we finally have a definitive statement from the government on nutrition programs today, I am none the less saddened that yet another school year has come and gone before this government made its announcement.

Just last month, I sat down with a grade 1 and 2 class at Holy Angels school in Sault Ste Marie while the kids enjoyed a nutritious midmorning snack, provided, I might add, at not one cent cost to the taxpayer, as every program I asked you to join with me and the leader of the Liberal Party in promoting would be, not one cent cost to the taxpayer.

Here the kids enjoyed a nutritious midmorning snack, a program provided by the generosity of the Maycourt club. It does not require thousands of dollars from the government. It's a community effort. Let me tell you, Minister, that there could be nothing more gratifying for the teachers, the volunteers or myself that day than to hear a six-year-old boy say to his teacher: "Thank you. I'm full. Thank you. No more. I'm full."

When this is a reward for providing nutritional snacks to our kids at school, let me say there is absolutely no excuse that it has taken over three years and three ministers to finally get an announcement today, in the final year, I might add, leading up to an election campaign.

1400

Secondly, there's no excuse for the fact that thousands of children in this province have been going to school hungry because some members of your government could not set aside ideology and agree upon a program that does not cost the government any money, but does mean we bring the private sector in; no excuse for the fact that you still believe that government alone, through tax money, can provide nutrition programs; no excuse that you invite the non-profit sector to bid, but you won't invite the private sector to bid; no excuse that you're allowing \$100,000 for any kind of administration at all—that's \$100,000 not going to kids, no excuse for that either—that we should be paying anybody to administer a program when so many people in the private sector are willing to come forward and donate time and money to do that; no excuse for the Premier's refusal over a year ago to spearhead a provincial nutrition program with myself and the leader of the Liberal Party, at no cost to the taxpayers.

I very much disagree with the critic from the Liberal Party, who's disappointed that you didn't pour more than a million in. In the New Directions series of documents on education over two years ago, we called for nutrition programs. In the Common Sense Revolution, we allocate half a billion dollars to new programs where government does need to spend money, in head start programs, in giving kids the break they need.

But you know what, Mr Minister? We have asked you and your Premier to provide the leadership and simply coordinate the untapped wealth of dollars that are out there, the good spirit that is out there, programs up and running in Burlington, at no cost to the taxpayer. We asked you to support those initiatives at not a cent cost to the taxpayer: The Canadian living foundation for families has been asking to bring forward these programs.

It will be about 100 projects, I guess; I think we have about 5,000 schools in this province, so one in 50—whatever gets up and running. Some will get some food, unfortunately at a cost to the taxpayer, instead of following our plan. I say thank you on behalf of those kids, who have been hungry for four years but perhaps will have some food next year.

I say shame on you for insisting that it ought to be a government bureaucracy, a government program, and not coming forward with a program that we could have done four years ago at no cost to the taxpayer.

Mr Anthony Perruzza (Downsview): How dare you use kids that way?

Mr Chris Stockwell (Etobicoke West): Oh, give me a break.

Interjections.

The Speaker: Order. The member for Downsview, please come to order.

ORAL QUESTIONS

NON-PROFIT HOUSING

Mrs Lyn McLeod (Leader of the Opposition): My first question is for the Minister of Housing. On May 24, you issued a directive to all local housing authorities, telling them that all fully funded rent supplement programs are to be terminated. Let's understand exactly what this means: You want to stop support for some 3,800 rental units in private sector buildings, and ideally, you would like to move all the tenants in those 3,800 units into non-profit housing.

You do this as part of an expenditure control plan. You claim that the move is going to save you money, but you're moving people into non-profit units that the auditor has said cost anywhere from \$10,000 to \$12,000 per year for taxpayers to subsidize. I ask whether you have examined all the costs of this so-called cost-saving measure. How are you going to save money moving people into costly non-profit housing?

Hon Evelyn Gigantes (Minister of Housing): Of course, when this government reviewed expenditures with a view to making sure that our operating costs were as low as possible, in order to be able to ensure that where moneys are being spent by the Ministry of Housing, they are being spent most cost-effectively in terms of providing housing assistance for people, we certainly did look

at the alternatives and the costs that might be involved.

Mrs McLeod: The minister talks about cost-effectiveness, but there is absolutely no proof offered that moving tenants into non-profit housing is in fact a cost-effective move. If the minister believes that to be true, we would invite her to bring forward some proof of that, because that is certainly not what is believed by the local housing authorities.

Beyond that, beyond the fact that non-profit housing is clearly less cost-effective than many rent supplements, in this minister's blind devotion to non-profit housing, you are actually willing to pay landlords and tenants in order to get the tenants out of the rent supplement units and into non-profit units, and that's exactly what this directive points out.

According to this directive, you're willing to pay the moving costs of the tenants, you're prepared to move them into larger apartments and you're even prepared to buy out the landlords so that you can move those tenants out more quickly. You say you're going to save money, but you're actually going to have to pay people in order to achieve any savings at all.

Minister, how much do you anticipate you're going to spend on these incentives to the landlords and to the tenants, and how much are you willing to spend simply to move people from rent supplement units into non-profit housing?

Hon Ms Gigantes: I think the Leader of the Opposition should take a moment to try and understand what the rent subsidy program in the province of Ontario is. It's administered by the Ministry of Housing. It is, of course, in addition to the well over \$2 billion a year that we provide in shelter allowances through the social assistance system which go directly to private landlords in this province.

The program that is operated, the rent subsidy program specifically, is a program that was begun by federal-provincial cooperation. Over many years, the stock grew to about 20,000 units around the province and it costs about \$80 million a year, and that's in addition to the shelter allowance program which we operate. As of late, the federal governments, both the previous Conservative government and the current federal Liberal government, have been unwilling to cost-share new non-profit units and new rent subsidy units. She knows that. She lives in Thunder Bay, and in Thunder Bay—

The Speaker (Hon David Warner): Could the minister complete her response, please?

Hon Ms Gigantes: —the urgency of that situation is being brought forward very strongly right now. What we're saying is that there is no reason for the province of Ontario to be spending 100% dollars on a rent subsidy program which doesn't generate new affordable housing supply, which to the contrary, our non-profit housing program does.

Mrs McLeod: We understand how the rent supplement program started and how it works, the local housing authorities understand how the program started and how it works, and the local housing authorities understand what you are doing to change this program and they are

telling you that what you are doing does not make sense and is certainly not going to save money.

The local housing authorities in northwestern Ontario have said that the rent supplement units in their area are more economical than non-profit units. In fact, the average subsidy for a non-profit unit in Thunder Bay is \$952 a month. The average rent supplement in Thunder Bay is \$535 a month. Show me where you're going to save money moving people out of rent supplements and into non-profit units.

People in northwestern Ontario and the local housing authorities say the only thing your policy is going to do is increase their costs and make their waiting lists longer. Kitchener-Waterloo did a study a year ago, and that study showed that rent supplements are economical, are cost-effective, as compared to other housing programs.

Minister, I don't believe that you're undertaking this move for cost-effectiveness. I believe you're pursuing this out of a blind ideological belief that non-profit housing is the only way to go. You are not doing it to save money because it is going to cost taxpayers money. I ask you to stop now this costly foolishness.

Hon Ms Gigantes: Of the 20,000 units of rent supplement housing available through the Ministry of Housing programs, as she indicates, only those that are fully funded, 100% funded by the province of Ontario, will be affected by our determination to save money in the administration of housing programs by rolling out of those 100% provincially funded units. Where there is 50-50 funding with the federal government, we will be glad to continue to have a rent subsidy program.

1410

But coming from the Leader of the Opposition, who comes from the town of Thunder Bay, where the Thunder Bay Housing Corp and municipal council—the municipal council has decided that they are not going to have any more non-profit housing in Thunder Bay. They've instituted the moratorium that the Liberal Party has been demanding. So she should not come to this Legislature and talk about the need for housing units for people who need housing assistance in Thunder Bay, because the policy she supports is being implemented by the Thunder Bay city council.

The Speaker: New question.

Mrs McLeod: If this minister wants local housing authorities to continue to provide affordable housing for people in their communities, she'd better come up with some answers as to what is really cost-effective.

Interjections.

The Speaker: Order.

Hon Ms Gigantes: On a point of order, Mr Speaker: You allowed the leader of the—

Interjections.

The Speaker: Point of order, the Minister of Housing.

Hon Ms Gigantes: My point of order is that the comments that were made by the leader of the official opposition after she rose to start her question, the comments related to the earlier question, I couldn't hear. I wonder if you would ask her to repeat them.

The Speaker: I think in the interest of time, the most appropriate way obviously is, upon the completion of one question, to then start another question. I would ask the Leader of the Opposition if she would place her second question.

Mrs McLeod: Mr Speaker, this minister has asked for clarification of the questions. I will forward the questions to her in writing in a formal way for a written response.

INTERGOVERNMENTAL RELATIONS

Mrs Lyn McLeod (Leader of the Opposition): For my second question I will be happy to give the Minister of Municipal Affairs an opportunity to respond.

Interjections.

The Speaker (Hon David Warner): Order. Will the leader take her seat, please.

Second question, please.

Mrs McLeod: Minister, after suffering a series of provincial cuts and downloading under the expenditure control plan and the social contract, municipalities do not feel that your government has much respect for local elected governments. The Association of Municipalities of Ontario has released a policy paper on reforming its working relationship with the province. They are looking for reforms to prevent further arbitrary downloading from the province on to the municipalities. They are not asking for more money; what they want from you is a policy of no surprises from the government.

I'm going to be meeting with the Association of Municipalities of Ontario next week to discuss their concerns. I understand they have asked to meet with the Premier and cabinet, but this has apparently been refused.

Minister, will you tell us in the Legislature today if you support AMO's basic recommendation for a commitment to consultation and cooperation and a guaranteed access to provincial decision-making, and do you agree with the municipalities' request that the province stop downloading without consultation?

Interjection.

The Speaker: The member for Chatham-Kent, please come to order.

Hon Ed Philip (Minister of Municipal Affairs): I'm always pleased to have consultation with the Association of Municipalities of Ontario, and indeed with ROMA and other municipal representatives. Indeed, they will tell the Leader of the Opposition that we have met much more frequently than the previous Liberal government ever did with them and that we've taken into account their concerns, unlike the other provinces, where Liberal governments have completely downloaded on the municipalities in their efforts to trim the deficit.

Mrs McLeod: I was actually hoping the minister would simply say yes, he believes in consultation, he believes that there should not be downloading without consultation. It seemed like a fairly easy commitment to make. But in fact I have a copy of a notice that the Ministry of Finance has sent to all municipalities. It may be possible that the Minister of Municipal Affairs is not aware of the directive that was sent by the Ministry of Finance to all municipalities, but I would expect him to

be. The notice states that the province is slashing \$18 million from its property assessment services and that municipal taxpayers will have to make up that difference.

There was no consultation on this issue. The policy was announced on June 14 and it takes effect on July 1.

When the Treasurer announced his transfer payments in March, he did make a commitment to maintain funding levels for municipalities. The minister is now downloading \$18 million on to the backs of local taxpayers with no consultation.

Minister, I ask you, after guaranteeing municipalities the same level of funding this year, why has your government now imposed \$18 million in new costs on local ratepayers, with all of two weeks' notice?

Hon Mr Philip: There was consultation. Indeed, the Treasurer and I met with AMO only this week, on Monday. We talked with them about their concerns. They also shared with us the concerns they had as to whether or not we were prepared to reverse the downloading that the Liberal government did on the courthouse costs and the maintenance of the courthouse security, on which they said there was no consultation and was a considerably larger downloading in good times than anybody ever tried in bad times.

We are meeting on a continuous basis. This is a matter of charging the cost of certain services which the municipalities are receiving from the provincial government. Indeed, in nearly all instances in those reassessments they will in fact generate new tax revenue from the reassessments.

Mrs McLeod: That sounds a little bit like something that a government might have sat down and talked about in disentanglement, except disentanglement was supposed to have a two-way effect. It wasn't all supposed to be downloaded on to the municipal level. This is another download.

The bottom line is that when municipalities set their budgets this year, they did not have to bear this cost, and now they do. Your government has dumped this cost on to the backs of local taxpayers. The government treats municipalities simply as if it owns them. You have shown no respect for elected local councillors, for mayors or reeves, and you are simply cutting \$18 million out of your own spending by forcing municipalities to pick up the tab.

You say you consulted, but here's what the president of the Association of Municipalities of Ontario says about your new policy: "It is completely unacceptable and it makes a mockery of the province's frequently stated goal of creating a partnership with municipalities."

Minister, how can you dump this added cost on municipalities in the middle of the municipal budget year?

Hon Mr Philip: Any costs that are borne by this policy will not be felt and in fact will not be paid until the next fiscal year, so it will not affect this fiscal year.

The honourable leader of the Liberal Party talks about disentanglement. At least we tried to negotiate disentanglement. We consulted with the municipalities. We didn't get a deal; we're still working on it. But that's more than the Liberals ever tried.

I say to the leader of the flip-flop party, at least we've got definitive, specific policies. What's her policy on this?

NON-PROFIT HOUSING

Mrs Margaret Marland (Mississauga South): My question is to the Minister of Housing. I've always known this place was like Alice in Wonderland, but it's kind of interesting to notice today that with the question by the leader of the Liberals, the Dormouse has finally woken up at the Mad Hatter's tea party.

My question is based on an article in the Hamilton Spectator today by Emilia Casella, who reveals mind-boggling problems at the McClure Community Homes Inc in Hamilton, which was funded under the Homes Now program of the former Liberal government, which announced 30,000 non-profit units under that program. This project, however, on numerous occasions has failed to make its mortgage and property tax payments, leaving the provincial government to pay the arrears.

There has also been a serious conflict of interest. A veteran of non-profit housing advocates, Gary Quart, was chief executive officer of both the housing project board of directors and the two companies the boards hired to develop and manage the project. These three organizations even shared the same board of directors and office space. Contracts were awarded without a tendering process. There was \$344,000 in unauthorized expenses, including payments to Mr Quart's personal credit cards without invoices to support the expenses.

1420

The Speaker (Hon David Warner): Could the member place a question, please.

Mrs Marland: Yes, Mr Speaker. I ask the minister, since the ministry has allowed Mr Quart and his company, Jubilee Consultants Inc, to keep the job for another 12 months at \$60,000 and get away with gross mismanagement, are you really interested in rewarding them by allowing Jubilee Consultants to continue as the project manager?

Hon Evelyn Gigantes (Minister of Housing): There are over 1,000 non-profit housing projects and developments in the province of Ontario. I'm sure that the member for Mississauga South is aware of that.

From time to time in human affairs things go awry. They do within the Conservative Party, they do within all kinds of volunteer organizations, and they certainly have in this case. The problems that the member refers to were identified by a ministry internal audit which was released over the last period of time. It was presented within the ministry to me over the last few weeks. It covered the period 1991-92, and it identified a series of problems which we will continue to work on.

Mrs Marland: This minister always stands in this House and says, "Yes, we've got all these wonderful projects," but she won't come clean and tell us that there is rot in her ship. We keep saying to her that because you can't feel the heat in the kitchen it doesn't mean that your house isn't on fire, and I would suggest to you that by continuing to hire the management that have defrauded this province by the actions of their boards

through their manager, you are defending something that is very questionable.

Even before the housing complex opened the province suspended its subsidy to the project because McClure's board failed to supply financial information. The board then fell 12 months behind in its mortgage payments. The minister paid the arrears and reinstated the subsidy. The mortgage fell into arrears again. Then the McClure board of directors—after all this blundering, the original board is still in place. The Hamilton Spectator article quotes Mr Quart as saying, "There are a lot of non-profits that operate on that basis."

The Speaker: Would the member place a question.

Mrs Marland: If you can defend somebody in a management role, pay them \$60,000 a year while they submit bills, while they spend money on their own personal Visa without submitting invoices, I ask you again, why has this McClure board of directors not been replaced as have some other boards of non-profit housing corporations in this province?

Hon Ms Gigantes: The quote which the member for Mississauga South supplies to the House from Mr Quart is wrong. Mr Quart is wrong. The member for Mississauga South is wrong. Our work on this questionable situation continues.

Mrs Marland: What is wrong, Minister, is that any individual in this province under the guise of any corporation is allowed to bill \$10,000 to his personal Visa account without submitting invoices. That's what is wrong. And that's the kind of corruption and defrauding the public of funds that we are concerned about: \$344,000 spent without permission. If you don't think that's wrong, then you have a bigger problem than we already realize.

I simply say to you, Madam Minister, that if you don't understand the concern of the Provincial Auditor about the lack of operating agreements in this province and the reason that this example in Hamilton takes place because there isn't an operating agreement, there's no supervision by your ministry—

The Speaker: Could the member place a question.

Mrs Marland: —I simply ask you, Minister, your deputy minister said that all the operating agreements for provincially subsidized non-profit housing would be in place by the end of this year. Is that going to be the case or are we going to continue this horror story of one more corruption and conflict-of-interest situation after another?

Hon Ms Gigantes: The operating agreements are under consideration and joint work by the ministry and the Ontario Non-Profit Housing Association at the moment, and the ministry's commitment will stand about the overall operating agreement. She should understand that in fact the Ministry of Housing has enough guidelines in its program and enough understandings about the arrangements that take place in a non-profit organization, such as the McClure organization, that we do have powers which can be very effective.

The member claims that I, as minister, do not find this wrong. The member is wrong. I will say again, the member is wrong.

The Waterloo police believe that the situation is a serious one and the Waterloo police have the cooperation of the Ministry of Housing in the work that lies ahead.

The Speaker: New question, the honourable member for Leeds-Grenville.

Mrs Marland: This is Hamilton, not Waterloo. That's how much you know about it.

The Speaker: Would the member for Mississauga South please come to order.

Mrs Marland: If I knew as much as you about it, I would be so embarrassed.

The Speaker: Would the member for Mississauga South please come to order.

YOUNG OFFENDERS' ACTIVITIES

Mr Robert W. Runciman (Leeds-Grenville): In the absence of the Minister of Correctional Services, I gather the member for Beaches-Woodbine is the acting Premier for the day. I have a question related to corrections and I know she has some experience in the field.

On Monday and Tuesday of this week, six young offenders at the Metro West Detention Centre were out in the exercise yard with an instructor playing with ropes and rock-climbing equipment. I understand they're preparing for a rock-climbing excursion outside the institution as part of a temporary absence program. Perhaps they're going to receive a diploma as certified second-storey men. I'm not sure.

Minister, why are the young offenders being taught rock climbing at taxpayers' expense and why are these young offenders being offered temporary absence for a romp in the countryside?

Hon Frances Lankin (Minister of Economic Development and Trade): I'm sorry that the Minister of Correctional Services and the Solicitor General is not here today. I'm also sorry to say to the member that I don't have any information about the question he asks. I'll have to stand it down and assure him that I will get a response from the minister as soon as is possible.

Mr Runciman: Again, hopefully this will get back to the minister and he will indeed take action. We want these questions on the record in any event.

We want to know why your government would want a young offender, who may well be in Metro West or wherever for house break-ins or robberies, to learn how to scale a wall. Is that not a skill that might come in handy later in life if they want to return to a life of crime? A Metro West officer puts it this way: "If your apartment gets broken into, you'll know they were trained at the West." What's next? Chemistry classes to build small explosives? Lock-picking? How about target practice?

I want to suggest that the member for S-D-G & East Grenville has proposed to the deputy at Correctional Services that they look into teaching young offenders how to operate computers, something that can perhaps encourage them to find meaningful employment in society.

Minister, how can you justify these kinds of activities at young offenders' facilities?

Hon Ms Lankin: I think the member's suggestion of

computer courses of course is one that all members would suggest. Learning skills that can be used for a productive and legal career in the future is always a suggestion that would be welcomed and I would assume is being acted on already.

I appreciate the member's interest in this and the seriousness of his question, and will undertake to pass on Hansard from today to the minister and get a response for him.

1430

Mr Runciman: It seems that Metro West is having more than its share of problems with young offenders lately. A week ago last Sunday, the Metro West Detention Centre had a race-based mini-riot involving approximately 20 young offenders, which prompted a code 2 response, which means they called out all available guards. During the month of May, things were so bad at the centre that guards were checking the young offender units every 20 minutes, the rounds usually reserved for suicide watches.

Guards tell me youths have taken to ganging up on other inmates and playing a so-called game called "bubbling," where one race sticks the heads of other inmates of different races down toilet bowls. They're also doing something called "cupping," where they hit other inmates with plastic cups, causing severe injuries. I am told that Metro West was sending an average of one young offender a day to the hospital.

Minister, again, why is your government spending tax dollars teaching young offenders to scale walls when there are such obvious control problems within that institution?

Hon Ms Lankin: I can't at this point in time, as I've indicated, give any reasonable response to the member. I'm not aware of the issues that he raises and I will undertake to get that response for him and ensure that the minister is informed of the serious nature of the question.

AIR QUALITY

Mr Steven Offer (Mississauga North): My question is to the Minister of Environment and Energy. I think, Minister, you will recognize the concerns of many people over the serious problem, especially on days like today, of air pollution in our province.

Last month we learned, through the release of three international studies, that as a result of the level of air pollution in southern Ontario, hospital admissions for people with respiratory problems have increased by as much as 50%. Minister, the reality is that your government does not take this problem seriously and is doing very little to combat it.

On Tuesday you and your government were reprimanded by Pollution Probe and the Lung Association for failing to take the necessary steps to combat the smog problem in this province. They've criticized your voluntary vehicle emissions testing program as being completely unsatisfactory.

As Pollution Probe has said: "It doesn't cut the smog. In truth, it is little more than a one-year pilot project designed to only test testing equipment." Bob Olsen of the Lung Association said, "We can't believe that the Rae

government still needs convincing that something must be done about Canada's worst smog problem."

The Speaker (Hon David Warner): Could the member place a question, please.

Mr Offer: My question to the Minister is: Why are you not taking meaningful steps to combat the smog problem in this province?

Hon Bud Wildman (Minister of Environment and Energy): The member knows full well that the government takes very seriously the air quality in the Metropolitan Toronto area and indeed the whole of the southern Ontario corridor. It's for that reason that we have done a number of things. We announced a training and certification regulation for dry cleaners in February. This regulation was promulgated on June 7. On March 9, I released for public consultation a draft regulation for the control of hydrocarbon vapour emissions, that is, gas fumes which result from the handling of fuel in refineries, terminals, bulk plants and gasoline stations.

We have also, as the member indicated, announced that we will be proceeding with a pilot project, which is indeed what it is, a one-year pilot project to determine what are the best ways to ensure that we can have a vehicle emissions test program, in conjunction with the Ministry of Transportation, so that we can evaluate what is needed in order to ensure that we can have the proper technology tested, since we are using technology different from British Columbia and others, and that we will have the technicians trained and the repair facilities available to ensure that we will be able to meet the need if we move then to a mandatory program.

Mr Offer: Let's cut to the quick on all of this. Today Pollution Probe and the Lung Association issued a smog inaction alert to warn all the people of the province that your government is taking no significant action to reduce smog. The only action your government has taken is that today they're warning people to stay indoors.

Minister, the air resources budget of your Ministry of the Environment has been slashed by 23% in the last two years alone. Your voluntary vehicle emissions pilot project will not be implemented, at the very earliest, until next spring. In the meantime, tonnes of emissions spew from the tailpipes of cars, polluting the air we breathe.

It is time to take immediate action to address the smog problem and indeed the health problems it creates for the people in this province. We ask you today, why don't you implement a strong, comprehensive program to clean up our air?

Hon Mr Wildman: Frankly, I welcome the positions taken by Pollution Probe and the Lung Association in alerting the public to the serious problem of smog in the southern Ontario corridor, particularly in Metropolitan Toronto.

The member knows that this is indeed a serious problem, that about 50% of the problem is transborder, that it comes from the United States. We have been pressing the federal Liberal government to persuade their counterparts in the United States to negotiate an 80 parts per billion ozone standard in the United States, similar to the standard in Ontario, instead of the current 120 parts hourly

average per billion in the United States.

We obviously must take every action we can in this province to persuade our American neighbours, and that's why we are working with industry on a pollution prevention approach to curb the release of nitrogen oxide and volatile organic compounds. We have seen a 40% cut by Ontario Hydro, a 33% cut by the chemical producers, and we are moving in every area that we can.

The Speaker: Could the minister conclude his reply, please.

Hon Mr Wildman: I share the member's concern about the seriousness of the problem, and we are moving in a concerted manner to meet it.

The Speaker: New question. The honourable member for Etobicoke West.

Mr Chris Stockwell (Etobicoke West): The minister certainly could have added Costa Rica as well with respect to their pollution concerns.

ONTARIO HUMAN RIGHTS COMMISSION

Mr Chris Stockwell (Etobicoke West): My question is to the member for High Park-Swansea, respecting a citizen who came into my office who is dealing with the Ontario Human Rights Commission. It's almost Ripleyesque in the Believe It Or Not category with respect—

The Speaker (Hon David Warner): The member for Etobicoke West, to which minister does he wish to address his question?

Mr Stockwell: The Minister of Citizenship, High Park-Swansea. I'm sorry. It's almost Ripleyesque in the Believe It Or Not category with respect to the dealings that she had with the Ontario Human Rights Commission.

This person went into the office in July 1991. She was completely disenchanted with the response by the ministry and how they handled the situation because, as of now, as of today, they had mishandled the whole situation and kicked it up now to the federal Human Rights Commission and said that they could in fact do nothing about it.

What is very interesting about this is, at the end of the day they provided this citizen of mine with a customer service analysis. The customer service analysis said that your ministry commission did two things right when they were dealing with this citizen: They "serviced her over approximately two years in a very timely manner"—it seems slightly an oxymoron, "two years...timely manner." The second thing is "by some of its staff treating this citizen with respect and dignity." Some of your staff dealt with her with respect and dignity. I think that's a damning indictment right there. But you did four things wrong as part of this customer service analysis: They "did not accurately establish jurisdiction, the race-based case was not carefully supervised"—

The Speaker: Would the member place a question, please.

Mr Stockwell: —"the ESI settlement was not framed in the minutes of settlement," and number four, which I find incredible and hard to believe, "the tone, manner and comments of some staff at the Ontario Human Rights Commission resulted"—

The Speaker: Does the member have a question?

Mr Stockwell: —"in hurt, insult and perceived racism."

The Ontario Human Rights Commission writes a letter to a constituent saying, "Yes, we were hurtful, we insulted"—

The Speaker: Take your seat, please. Members have asked repeatedly that there be ample opportunity for backbenchers to ask questions. That is not possible unless all members, both asking and answering questions, will use as short a period of time as possible. Would the member for Etobicoke West please place a question.

1440

Mr Stockwell: Your Human Rights Commission has sent a letter saying that they treated one of the members of the public with hurt, insult and racism. Can you tell me why no one in the Human Rights Commission was disciplined, suspended, or dealt with in a manner that is acceptable when they're dealing with the public like this?

Hon Elaine Ziemba (Minister of Citizenship and Minister Responsible for Human Rights, Disability Issues, Seniors' Issues and Race Relations): The member opposite raises a very important scenario that has occurred in the past in all respects as to how clients and customers are served at various institutions. We recognized that when we first came into government, and one of the reasons that we instituted a whole analysis of how the Human Rights Commission was dealing with its customers and clients is just that fact.

We brought about some changes. We did a lot of staff training. One of the things that surprised me the most as the minister responsible for the Ontario Human Rights Commission is that in previous governments the staff were not trained. One of the things we brought about was making sure that all staff had ample training and upgrading in how to deal with cases and how to deal with clients who came in to the commission. We also conducted many reviews about how people were treated at the commission, and because of that, we have brought about those changes.

I'm not apprised of the actual facts of the case, whether a staff person was reprimanded or not, nor should we be, because as you know, the Ontario Human Rights Commission is a schedule 1 agency, which is an arm's-length agency. Number two, ministers, as we've stated before in this House, do not have responsibility for the hiring or firing or the promotion of staff, whether it's within the OPS or whether it's within agencies, boards and commissions.

Mr Stockwell: This agency is supposed to be resolving issues of racism, resolving issues of insult and hurtful nature within your government to the citizens in this province. You're supposed to be resolving this issue, not creating it. The Ontario Human Rights Commission is the last resort for a lot of people when it comes to certain racism, perceived racism, in dealing with private sector companies and government companies.

The bottom line here is that when this citizen went to the Ontario Human Rights Commission, she was dealt with, admittedly, by your staff with a tone, manner and

comments that resulted in hurt, insult and perceived racism.

This is not like any other ministry. This is supposed to fix these problems. I'll send you the letter over. I know that you can get involved deep enough to ensure that when the Ontario Human Rights Commission treats citizens in my constituency like this, something should be done about it. You're not supposed to be dealing with the problem by creating the problem; you're supposed to be fixing it. This is dangerous stuff.

The Speaker: Could the member place a question.

Mr Stockwell: I'll send it to you and ask you to investigate and ensure that the people who treated this citizen like this are reprimanded or disciplined in some fashion to ensure that the Ontario Human Rights Commission doesn't have racism running rampant in dealing with people.

Hon Ms Ziemba: I do not disagree with the member opposite. Obviously, the Human Rights Commission is there to deal with acts of discrimination against the citizens of this province. And absolutely we agree: We want to end that form of discrimination, whether it's at the Human Rights Commission or whether it's at any agency or board.

That's one of the reasons we spent the dollars we did, where we heard criticism from the members opposite when we instituted a whole new regime of staff training, of investigating complaints, whether they were at the commission itself or how the staff were dealing with their issues. And yes, we did bring about many changes, because we recognized that the staff at the Human Rights Commission had not been given the opportunity for appropriate training and for review looking at how they dealt with their client service. We have instituted many new mechanisms, and we're very pleased that we've been able to start to change that around, to give the staff training, to make sure that we monitor what occurs at the commission, which had not been done before.

But I'm not disagreeing with him. He's shaking his head. I'm not disagreeing. There is no place in Ontario, whether it's an agency, board or commission, whether it's a ministry, whether it's in the private sector, that should discriminate or have any forms of racism or discrimination against any individual—

The Speaker: Could the minister conclude her response, please.

Hon Ms Ziemba: We all have the responsibility to work very hard to end forms of racism, and I'd work with the member opposite to make sure that we end that discrimination. I thank him for bringing this forward to me, and we will continue to make sure we bring those changes. So I thank him very much.

PUBLIC TRANSPORTATION

Mr Anthony Perruzza (Downsview): My question is for the Minister of Economic Development and Trade. Over three years ago Metro council asked this government to approve the construction of four subway lines, including the Spadina extension to York University. Our NDP government said yes. The Liberal- and Conservative-dominated council pursued its own political agenda

and rejected two of the lines, killing over 30,000 jobs.

Our Premier has insisted that all four lines must be built, and Metro council was to reconsider its decision by mid-June. It's now mid-June and Metro council at its meeting yesterday did not consider the construction of the Spadina extension to York University.

Minister, can you tell this House what is happening with this issue and when is Metro council going to make a decision with respect to this matter?

Hon Frances Lankin (Minister of Economic Development and Trade): I can tell the member that I had the opportunity, along with the Minister of Transportation, to meet with the Metro chairman, Mr Tonks, and Councillor Cavalier, who heads up the working committee of council that is looking at exploring financing alternatives for Metro's portion of the two additional subways.

We had a very constructive meeting. We were able to present to Mr Tonks and Mr Cavalier the results of the work that had been done at a staff level between Metro staff, ministry staff and TTC staff to take a look at various ways of financing and assisting Metro with the financing of those costs. I call the meeting encouraging because I took very positive signs from Mr Tonks in terms of his commitment to try and find a way for Metro to be able to finance its portion and proceed.

There is more work that they need to do and they haven't completed that work, so I think, to the member, it would be fair to say that it's not likely that it will be dealt with in June by Metro council, but I would hope by August that there would be some resolution to this issue. That of course is up to them at that level to proceed with their meetings.

Mr Perruzza: I know that the minister and the minister's staff and the different ministries involved have been working hard on this issue to try to get it worked out, resolved and get it approved. But council has one meeting left in June, on the 29th, and it's my understanding it's not considering it then. In July, they're off and they're not considering it then. In August, it's my understanding that it's only one meeting and it's a house-keeping meeting where they don't consider many of these hot issues because many of the councillors are away. In September, they're immersed in a municipal election, and a new council doesn't get sworn in until December.

At what point are you going to say to Metro council and Liberal Chairman Tonks: "Enough is enough. Do what you said you were going to do or we will do it for you"?

Hon Ms Lankin: At the meeting on June 27 that the member refers to, I understand that Councillor Cavalier will be taking forward an interim report to Metro council to update council on the progress that committee has made. There is, as I indicated, more work to be done and they're not prepared at this time to make a full report.

The document that we presented to Chairman Tonks and to Councillor Cavalier, which outlines some of the possibilities under exploration for alternative financing that Metro could consider, has been circulated to Metro council. We hope that will help move the issue along.

We continue to be convinced that it is critical for these two lines to proceed and that the jobs that will result from that will be a major boon to the Metro economy. We'll continue to work, as we have been, in a collaborative way, to see that come about.

I took very strong, positive signals from the meeting. I was very encouraged by the meeting and I think that it would be most appropriate at this time to continue in the collaborative manner in which we have established our working relationship with Metro on this issue.

1450

WORKERS' COMPENSATION BOARD

Mr Steven W. Mahoney (Mississauga West): In the absence of the former Minister of Labour, Mr Mackenzie, and the new Minister of Labour, the Premier, I will direct my question to the Deputy Premier and Minister of Finance.

I have here in my hands four invoices that were sent by the Workers' Compensation Board to a small business in Norwood, Ontario. According to these invoices, Hamblin Antenna Service owes the Workers' Compensation Board a whopping five cents.

The postage alone for these invoices totalled \$1.84, not to mention the staff costs, the computer costs and the printing costs to print them out and send them. Only the NDP and the Workers' Compensation Board would think it was shrewd to spend \$1.84 to try to collect a nickel.

Minister, is this what you call a well-run, efficient bureaucracy at the WCB?

Hon Floyd Laughren (Deputy Premier and Minister of Finance): Only a Liberal would raise this question in question period. I must say that is a strange allocation of time and money to collect five cents, but I don't have the invoices in hand and the member opposite does, so perhaps he could create a more level playing field by sending across the invoices to me.

Interjections.

Mr Mahoney: Is this all right now? I'm having more trouble with my colleagues here.

The other day we learned that the Workers' Compensation Board is paying almost \$10,000 a piece to send injured workers to attend a private school when the same course can be taken at a public board of education facility for \$50. We all remember the \$180-million boondoggle called Simcoe Place approved by the Workers' Compensation Board. This entire situation is nothing short of a fiasco.

Now the WCB is pestering a small business because it owes five cents. The board is trying to suck every last penny from all the employers in this province regardless of the costs attributed to the board. While this government watches its nickels, dollars are being flushed down the toilet.

Minister, on behalf of Hamblin Antenna Service, I would like to send you over this nickel. It's not a plug nickel, it's not a wooden nickel, it's not the Big Nickel from your riding in Sudbury; it's a plain, simple nickel. Minister, can I ask a page to come and send you this nickel, along with this invoice, and ask you to ensure me

that you will see that this nickel travels all the way to Bloor Street to the Workers' Compensation Board and tell the WCB to get off the back of this small business?

Hon Mr Laughren: I would have appreciated it more if the member could have taken the nickel directly to the Workers' Compensation Board himself, but I will accept that in the spirit in which it was sent across the floor. I would remind the member opposite that I suspect this is one of those automatic billing examples that from time to time we see in all organizations. I suspect that's the case.

I know the Liberal opposition would not want us to ignore what's owed by employers to the Workers' Compensation Board just because when they were in government they let benefits increase without increasing assessments on employers in the province, which had a major contribution to the unfunded liability problem of the compensation board. I know they don't expect us to do that, because we are a government that for the first time is tackling the serious problems of the compensation board and not sweeping them under the rug the way you did when you were in office.

MINISTRY OF TRANSPORTATION SPENDING

Mr Cameron Jackson (Burlington South): My question is to the Minister of Transportation. Minister, earlier this year your ministry circulated a survey, we're told, to some 12,000 Ontario drivers. The survey is titled *A Study of the Amount and Type of Driving Done by Ontario Drivers*. It was sent out in an expensive envelope with an 86-cent stamp on the front and a whole bunch of stuff inside, including the survey and an envelope, which I have here, with a stamp on it for 86 cents—quite a bit of expense. This was sent to quite a few of my constituents, but one in particular caught my eye because he's an 81-year-old resident who hasn't had his licence for three years.

Could I ask the minister why the computers at the Ministry of Transportation are sending out such expensive surveys to non-drivers in the province of Ontario?

Hon Gilles Pouliot (Minister of Transportation): I appreciate the carryover from the nickel to the 86-cent extravagance that the critic opposite so rightly mentions. Let's put it into perspective here and then we'll talk about glitches and then we'll apologize and we will endeavour to make the system better, aiming to make it perfect one day in this world. There are seven million drivers in the province of Ontario. Each and every year we welcome 250,000—that's a quarter of a million—additional to the existing seven million.

We have an objective at Transportation: to make the system the most efficient in North America while making our roads the most efficient and the safest in North America as well. From time to time we consult with the public. They're paying the bill; they have ideas; they're the users, so we conduct surveys and from time to time, given the numbers, there are glitches.

There will be some anomalies, but what's important here is this is positive work. It helps the Ministry of Transportation, the province of Ontario, in improving its system. If someone, by hazard, with the highest of respect, 81 years old, gets an envelope in error, the

person will come out of it better informed whether or not he or she has a driver's licence in good standing.

Mr Jackson: Let's keep this in perspective. This was not sent to a person; it was sent to a licence number that came directly from your computer. I have the printout right on the document. You're not even treating these people as human beings, you're treating them as numbers. The flaw here is that your computer is pumping out this material.

My constituent happens to be a senior citizen who is concerned about how it is that your government has this kind of money for wastage when you've made decisions to cut the number of chronic care beds in our region for seniors, when you've made cuts to the drug formulary for seniors, while you've made cuts to oxygen services, cuts to emergency hospitalization for out-of-province travel and cuts, as was referred to by my colleagues in the rural caucus, to rural licensing offices, all of this in the name of efficiencies for government.

Why are you sending out this material when your computers are obviously in error? When are you going to get a handle on your ministry and stop making cuts to seniors when you should be looking for savings within your own ministry?

Hon Mr Pouliot: We feel it's right to consult with people who are footing the bill, who are paying for all this. It is their endeavours, it is their answers indeed.

The remark which I find most inappropriate and unfortunate is that we at Transportation, or we as a government, treat people like numbers. We don't; we treat people like people. But computers attach numbers because it's a computer to run numbers. If you have 500 John Smiths entered into a computer, it makes good common sense that a number be attached to it.

Hon Mr Pouliot: Let me remind you by way of conclusion—

Interjection.

The Speaker: The member for Burlington South, please come to order.

Hon Mr Pouliot: The member obviously doesn't wish to consult with people, but we will keep consulting with people. By way of conclusion, with respect, if I may, if you read the little blue manifesto, the Common Sense Revolution package—and I have an extract from it here—it says the following, "The Progressive Conservative Party of Ontario would cut taxes by 30%." Imagine how many offices would be closed, how many people would—

The Speaker: Could the minister conclude his remarks, please.

Hon Mr Pouliot: —and they would cut the Transportation capital budget by \$300 million, so you would have no roads leading any place. Shame on the member opposite. We will keep consulting with the population of Ontario. That's our intention.

1500

TELEPHONE SERVICES

Mr Kimble Sutherland (Oxford): My question is to the Minister of Economic Development and Trade regarding independent telephone companies. In light of

the April 26 Supreme Court of Canada decision regarding the regulation of independent telephone companies, can you tell the House what responsibilities the province now has with regard to the 30 independent telephone companies, including North Norwich in my riding of Oxford, what responsibility you have with regard to those companies now?

Hon Frances Lankin (Minister of Economic Development and Trade): I appreciate the question. I know it is of concern to a number of people in the province and members in this Legislature. As the member indicated, there are 30 independent telephone systems in Ontario. I think a lot of people living in Metro Toronto might not realize that. There are subscribers for those services and it affects over 100 communities across the province.

There was a court decision that came down recently with respect to an independent telephone service in Quebec. That court ruling found that in fact the CRTC should be properly the regulators of these telephone services. In other words, the regulation of it would transfer from a provincial jurisdiction to a federal jurisdiction and that's where it properly belonged.

Although that decision dealt specifically with the telephone service in Quebec, it is believed and all legal opinions agree that is applicable to all independent telephone services. We are at this point in time looking at how to facilitate the transition from the provincial regulation to the federal regulation. If there's a supplementary I can indicate how we're doing that.

I just want to assure members in the House we do have an independent telephone service, that in fact I have just, as of yesterday, sent a letter to all of you to indicate the steps we're taking, so I hope that will be informative for you.

Mr Sutherland: As I mentioned, not only do I have North Norwich, the Blanshard telephone system comes into my riding, as well as that of my colleague in Perth, and also touches a bit of Middlesex. I know there are several up in Huron riding as well, and in southern Ontario.

My question to the minister as a supplementary is, what discussions and consultations have you had with the independent telephone companies to get their reaction to the impact of this decision and of the transition from the province possibly to federal jurisdiction?

Hon Ms Lankin: I have met recently with the Ontario telephone association and have been of course in direct contact with the Ontario Telephone Service Commission. I've also written to our federal minister responsible for communications, who has responsibility for the CRTC.

We take the transition period very seriously and we think it needs to be facilitated and there needs to be smooth transition. There needs to be support for these small independents during this period of time.

For example, the CRTC does not have experience with regulating small independent telephone associations, and there are different issues. If they were to face the same regulatory burden as the large telephone companies, it would be very difficult and very difficult for those subscribers.

The Speaker (Hon David Warner): Could the minister conclude her response, please.

Hon Ms Lankin: Yes, I will. I just want to say then, in trying to wrap it up quickly, that I am well aware of the concerns of the independents, that we have communicated those concerns and those of our government to the federal minister and that I will continue to advocate on their behalf.

The Speaker: The time for oral questions has expired. The member for Downsview and then the member for Chatham-Kent.

MEMBER'S COMMENTS

Mr Anthony Perruzza (Downsview): On a point of privilege, Mr Speaker: I'm really looking for direction from you on this. Earlier today the leader of the third party alleged that this government, for the past four years, has allowed children to starve. Those were his exact words.

On a personal level I find that an absurdity. But if I or any other member of this government knowingly let any child starve, we should be incarcerated. I don't think there's any other venue to pursue in that kind of matter, but that's what the leader of the third party alleged.

I want to know from you what recourse I have, as a member of this Legislature, who was pointed at when that accusation was made. What recourse do I have to pursue that and to ensure that that kind of thing is stricken from the record? Otherwise he points to actual examples, because I can't go away, knowing that allegation was made in the way it was made.

The Speaker (Hon David Warner): To the honourable member for Downsview, I appreciate the concern that he brings to my attention. The member will know that in a British parliamentary system, freedom of speech is cherished.

Often in Parliament statements are made, some of which appear to other members to be extreme, appear to not be reasonable, but in a parliamentary system we do not restrict freedom of speech, except we ask that parliamentary language always be used.

The member asks about a recourse. In fact, in part he has found a recourse by bringing the very matter of which he speaks to the attention of the House. I don't believe the member would want the Speaker to restrict any member's ability to speak freely in a Parliament, no matter how extreme the statements may appear to any member of the House.

STATUS OF BILL 21

Mr Randy R. Hope (Chatham-Kent): On a point of privilege, Mr Speaker: I ask for your guidance and direction. I have a letter that's dated June 10, 1994. I know your responsibility is dealing with this Legislature and making sure that legislation, whether passed or defeated, is properly recorded in the Hansards and others.

I have a letter, dated June 10, which is addressed to a person in Strathroy and which is signed by the leader of the third party, Mike Harris. It makes reference to private member's Bill 21, dealing with land-lease legislation. In that letter it says that the legislation was defeated in the Legislature.

I ask for your guidance and direction to notify me, because this legislation is important to me, whether this legislation, Bill 21, standing in the name of Mr Wessinger, has actually been defeated in this Legislature and is not on the order table, or does it currently exist in this Legislature, has not been directly voted on yet, is alive and is still to be debated and voted on?

The Speaker (Hon David Warner): To the member for Chatham-Kent, I cannot help him immediately with respect to the status of Bill 21, but indeed if he would check with the table, I'm sure they will be able to notify him as to the status of that bill.

CORRECTION

Hon Evelyn Gigantes (Minister of Housing): On a point of order, Mr Speaker: I'd like to correct the record. Earlier, in answer to a question from the member for Mississauga South, I had indicated the interest and involvement of I believe the Waterloo Regional Police in the McClure development. That is not accurate information. I had confused that with another development in which the Waterloo Regional Police indeed have been contacted.

The Speaker (Hon David Warner): I appreciate the fact that the minister corrected her own record.

MEMBER'S COMMENTS

Hon Bud Wildman (Minister of Environment and Energy and Minister Responsible for Native Affairs): Mr Speaker, on a point of order: Just in regard to your earlier ruling, I wonder if you could clarify for me rule 23, where it says, "In debate, a member shall be called to order by the Speaker if he...makes allegations against another member," or he imputes motives.

The Speaker (Hon David Warner): First of all, I will understand that the member is not challenging the ruling made by the Speaker.

The remarks which were referred to in fact were not directed at any particular individual. No member was named; I listened very closely. The comments may have appeared to some to have been extreme, yet they were not directed at any particular member, nor were any motives impugned of a particular member. Those were very general remarks which were made, as they appeared to me to be.

ONTARIO HUMAN RIGHTS COMMISSION

Hon Elaine Ziemba (Minister of Citizenship and Minister Responsible for Human Rights, Disability Issues, Seniors' Issues and Race Relations): Mr Speaker, I have a point of personal privilege. It also arises from a question that was asked of me by the member for Etobicoke West.

The member for Etobicoke West passed over information to me, which I appreciate, and I thank him very much. Unfortunately, in the amount of documentation that was sent to me, there was personal information about a case that was before the Ontario Human Rights Commission.

As a schedule 1, quasi-judicial agency and commission of this government, I am not, as minister responsible, permitted to have personal information, and I feel very bad about this. I would like to give this back to the

member opposite. I know he did not intend to impugn the system, but I would like to direct it back to him.

Mr Chris Stockwell (Etobicoke West): On a point of order, Mr Speaker: I don't understand the legalities of the issue. I will certainly accept it back. I did ask the constituent if I could use her name and offer the information. She gave me the okay. I'm not sure if that alleviates any concern, but I give that information to the minister.

The Speaker (Hon David Warner): That would seem to be an appropriate response from both sides of the House.

The member for Chatham-Kent, a new point of order.

Mr Randy R. Hope (Chatham-Kent): On the point of privilege I raised earlier, which I believe is very informative for you: I've just checked with the clerk's table, and Bill 21 standing in the name of Mr Wessinger is still on the table and still has not—

The Speaker: I dealt with this matter earlier and advised that the member check with the table, who'd be more than pleased to tell him the status of the bill.

1510

MOTIONS

CONSIDERATION OF BILL 160

Hon Fred Wilson (Chief Government Whip): With your indulgence, the House leaders have agreed that Bill 160, An Act to amend certain Acts to provide for certain Measures referred to in the 1993 Budget and for other Measures referred to in the 1994 Budget and to make amendments to the Health Insurance Act respecting the Collection and Disclosure of Personal Information shall be modified by deleting sections 143 to 171, inclusive, in part XVI under the heading Unclaimed Intangible Property Act and Complementary Amendment, and that this modified Bill 160 go forward for consideration of the House, and that the office of the legislative counsel shall be authorized to make such consequential amendments as are necessary to conform to the accepted printing standards of the Legislative Assembly, and that if the modified Bill 160 has no further amendments other than the deletions of sections 143 to 171, inclusive, in part XVI under the heading Unclaimed Intangible Property Act and Complementary Amendment, the bill shall not be reprinted until after the third reading and royal assent.

The Speaker (Hon David Warner): Does the House give unanimous consent to do what the chief government whip has just read? Agreed.

COMMITTEE SITTINGS

Hon Fred Wilson (Chief Government Whip): I make a motion that the standing committee on administration of justice be authorized to meet in the afternoon following routine proceedings on Wednesday, June 22, 1994, and the standing committee on finance and economic affairs be authorized to meet in the afternoon following routine proceedings on Tuesday, June 21, 1994, and that the standing committee on regulations and private bills be authorized to meet, if necessary, in the afternoon following routine proceedings on Wednesday, June 22, 1994.

The Speaker (Hon David Warner): Is it the pleasure of the House that the motion carry? Carried.

PETITIONS

HEALTH INSURANCE

Mr D. James Henderson (Etobicoke-Humber): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Ontario government has announced its intention to reduce emergency coverage for out-of-country health care on June 30, 1994;

"Whereas the citizens of Ontario are entitled to health coverage no matter where they are with payment made on the basis of the amount that would be paid for a similar service in the province;

"Whereas the Canada Health Act entitles all Canadians to health care on an equal basis;

"Whereas this decision by the Minister of Health is in direct contravention of the Canada Health Act;

"We, the undersigned, petition the Legislature of Ontario to ensure the Minister of Health follow the provisions of the Canada Health Act and prevent further erosion of our health care system in Ontario."

That petition is signed by several dozen Ontarians and by me.

MOTORCYCLE AND SNOWMOBILE INSURANCE

Mr Leo Jordan (Lanark-Renfrew): I have a petition to the Legislative Assembly of Ontario.

"Whereas we, the undersigned, are of the opinion that private insurance companies are exploiting Ontario motorcyclists and snowmobile operators by charging excessive rates for coverage or by outright refusing to provide coverage;

"Whereas we, the undersigned, understand that those insurance companies that do specialize in motorcycle insurance will only insure riders with four or more years of riding experience and are outright refusing to insure riders who drive certain models of 'supersport' bikes; and

"Whereas we, the undersigned, believe this situation will cost hundreds of jobs at dealerships and in the motorcycle industry and is contrary to the rights of motorcyclists and snowmobile operators;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario should study the feasibility of launching public motorcycle and snowmobile insurance."

LAND-LEASE COMMUNITIES

Mrs Irene Mathysen (Middlesex): I have a petition on behalf of my constituents from Twin Elms in Strathroy, who petition the Legislative Assembly of Ontario as follows:

"Whereas consideration of Bill 21 has been completed by the general government committee; and

"Whereas Bill 21 will provide needed protection to owners of mobile homes and mobile home trailer parks and owners of modular homes in land-leased communities; and

"Whereas many owners of mobile homes are threatened with eviction and loss of their investment in their mobile home by the action of their landlord;

"We, the undersigned, petition the Legislative Assem-

bly of Ontario as follows:

"To proceed as expeditiously as possible with third reading of Bill 21."

I have signed my name to this important petition.

FIREARMS SAFETY

Mr Murray J. Elston (Bruce): I have a petition to the Legislative Assembly of Ontario signed by approximately 100 of my constituents who are concerned about the Solicitor General's decision on the firearms acquisition certificate. I attach my signature to the petition.

EMPLOYMENT EQUITY

Mr Ted Arnott (Wellington): I have a petition to the Legislative Assembly of Ontario. It reads as follows:

"Whereas any person applying for a job should be judged fairly, on the merits of his or her qualifications, abilities and experience; and

"Whereas a person's colour, religion, race, gender, or other such characteristics should not enter into the equation; and

"Whereas Bill 79 establishes a quota system of hiring based on race, colour, gender or other physical characteristics; and

"Whereas employers should be free to hire the most qualified person for a given job;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that the government rescind Bill 79, the Employment Equity Act."

I have signed this petition as well.

LAND-LEASE COMMUNITIES

Mr Larry O'Connor (Durham-York): I've got a petition to the Legislative Assembly of Ontario.

"Whereas Bill 21 has received second reading in the Ontario Legislative Assembly; and

"Whereas Bill 21 will provide the needed protection for owners of mobile homes in mobile home trailer parks and owners of modular homes in land-leased communities; and

"Whereas many owners of mobile homes are threatened with eviction and loss of their investment in their mobile home by the action of their landlords;

"We, the undersigned, petition the Legislative Assembly of Ontario:

"To proceed as expeditiously as possible with third reading of Bill 21."

That goes contrary to a letter I've received from Michael Harris saying it was defeated. It wasn't defeated.

DEFIBRILLATION PROGRAM

Mr John Sola (Mississauga East): I have a petition which reads as follows. It's a motion in support of firefighter defibrillation.

"Whereas studies in the province of Ontario have shown the survival rate from pre-hospital cardiac arrest is among the lowest in Canada;

"Whereas rapid defibrillation has been shown to be the most important chain-of-survival intervention necessary to improve that survival rate;

"Whereas the Ministry of Health for the province of Ontario has committed itself to introducing a pilot paramedic project;

"Whereas to quality for this pilot project a community must provide rapid defibrillation to victims of pre-hospital cardiac arrest;

"Whereas firefighter defibrillation has been recognized as the most cost-effective means of providing rapid defibrillation;

"Be it resolved that we"—and it's signed by the Lung Association of Peel, and another one by the North Cookville Community Association—"support the urgent implementation of a firefighter defibrillation program in Mississauga."

I'm signing my name to it.

1520

SEXUAL ORIENTATION

Mr Ted Arnott (Wellington): I have a petition pertaining to Bill 45, Human Rights Code Amendment Act (Sexual Orientation), 1993, and it reads as follows:

"We, the undersigned, are strongly opposed to Bill 45, which seeks to change the definition of 'marriage.' Only the union between a man and a woman should be recognized as a marriage by Ontario's laws. We think it is morally wrong to attempt to redefine the family in this way. We strongly urge the government to reconsider proceeding with this legislation and do what is truly beneficial for society and the stability of the family."

I support this petition. I've signed it. It's signed by quite a number of my constituents, mainly from West Luther township.

ACUPUNCTURE

Mr David Winger (London South): I have a box here full of petitions, hundreds of petitions with thousands of names of people who support licensing of Chinese medicine and acupuncture. The preamble is actually in Chinese, and I'm sure it means "addressed to the Legislative Assembly of Ontario," but following that are the words:

"This is not a perfect medical system for the health care of the general public. Chinese medicine and acupuncture are a safe and effective treatment of many diseases and should be a welcomed alternative. Chinese medicine and acupuncture have great promise for our modern medical world. Thousands of years have established it as a traditional healing art in the Orient.

"Therefore we, the undersigned, do hereby petition the Minister of Health for the province of Ontario to consider the practice of Chinese medicine and acupuncture to be fully regulated against incompetence, fully recognized as a Chinese medical procedure when performed by a qualified Chinese medicine doctor and acupuncture doctor, covered by OHIP when performed by a qualified Chinese medicine doctor and acupuncture doctor."

I support this petition and I've affixed my name to the first of the many petitions.

CASINO GAMBLING

Mr Murray J. Elston (Bruce): There is a petition to the Legislative Assembly of Ontario signed by probably

over 100 people from the Niagara Falls area who are asking the Legislative Assembly to do the following:

"We, the undersigned, who are opposed to casino gambling, request that the Legislative Assembly of Ontario not allow the city of Niagara Falls to become a candidate for a gambling casino unless there is broad-based public support for such a facility, which we are requesting to be determined through a referendum vote by the citizens of Niagara Falls."

I have attached my signature to the petition.

ABORTION

Mr Kimble Sutherland (Oxford): On Thursday, March 17, 1994, I was asked to attend a meeting regarding a proposal from the Thames Valley District Health Council regarding a women's health clinic. It turned out that many members who attended had concerns against the extension of abortion services. They have sent me a petition that many signed at that meeting, expressing their opposition to the extension of abortion services through what they quote "women's health clinics."

SEXUAL ORIENTATION

Mr Murray J. Elston (Bruce): It's an easier day to put petitions on the record, Mr Speaker, and I thank you for recognizing me again.

I have a petition signed by about 50 to 75 of my constituents who are opposed to Bill 45. I have attached my signature to the top of that petition.

JUNIOR KINDERGARTEN

Mr Ted Arnott (Wellington): I have another petition on junior kindergarten, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the previous provincial Liberal government of David Peterson announced its intention in its budget of 1989 of requiring all school boards to provide junior kindergarten; and

"Whereas the provincial NDP government is continuing the Liberal policy of requiring school boards in Ontario to phase in junior kindergarten; and

"Whereas the government is downloading expensive programs like junior kindergarten on to local boards, while not providing boards with the funding required to undertake these programs; and

"Whereas the Wellington County Board of Education estimates that the operating cost of junior kindergarten will be at least \$4.5 million per year; and

"Whereas mandatory junior kindergarten programs will force boards to cut other important programs or raise taxes; and

"Whereas taxes in Ontario are already far too high;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that the government of Ontario cancel its policy of forcing junior kindergarten on to local school boards."

I have affixed my signature to this petition.

SEXUAL ORIENTATION

Mr Ron Hansen (Lincoln): To the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Legislative Assembly of Ontario as follows:

"Whereas the majority of Ontarians believe that the privileges which society accords to heterosexual couples should not be extended to same-sex relationships; and

"Whereas societal approval, including the extension of societal privileges, would be given to same-sex relationships if any amendments to the Ontario human rights act were to include the undefined phrase 'sexual orientation' as a ground of discrimination;

"Therefore, your petitioners pray and request the Ontario Legislative Assembly not to amend the Ontario Human Rights Code in any way which would tend to indicate societal approval of same-sex relationships or of homosexuality, including amending the Ontario Human Rights Code to include in the prohibited grounds of discrimination the undefined phrase 'sexual orientation.'"

INTRODUCTION OF BILLS

FIRE DEPARTMENTS AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT LA LOI SUR LES SERVICES DES POMPIERS

On motion by Mr Morrow, the following bill was given first reading:

Bill 177, An Act to amend the Fire Departments Act / Projet de loi 177, Loi modifiant la Loi sur les services des pompiers.

The Acting Speaker (Mr Noble Villeneuve): Does the honourable member have some explanatory remarks?

Mr Mark Morrow (Wentworth East): The bill extends certain benefits respecting discharge, remuneration and working conditions that are now supplied to full-time firefighters to part-time firefighters.

REVENUE AND LIQUOR LICENCE STATUTE LAW AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT DIVERSES LOIS FISCALES ET LA LOI SUR LES PERMIS D'ALCOOL

Deferred vote on the motion for second reading of Bill 161, An Act to amend various Taxation Statutes administered by the Minister of Finance and to amend the Liquor Licence Act / Projet de loi 161, Loi modifiant diverses lois fiscales appliquées par le ministre des Finances et modifiant la Loi sur les permis d'alcool.

The Acting Speaker (Mr Noble Villeneuve): We have a deferred vote which we will now proceed with. A five-minute bell to call in the members.

The divisions bells rang from 1527 to 1532.

The Acting Speaker: We are now dealing with the deferred vote on second reading of Bill 161, An Act to amend various Taxation Statutes administered by the Minister of Finance and to amend the Liquor Licence Act.

All those in favour of Mr Laughren's motion will rise one at a time and be recognized by the clerk.

Ayes

Abel, Bisson, Boyd, Buchanan, Carter, Churley, Cooke, Cooper, Dadamo, Duignan, Farnan, Fletcher, Frankford, Gigantes, Haeck, Hampton, Hansen, Harrington, Haslam, Hope, Huget, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Lankin, Laughren,

Lessard, MacKinnon, Malkowski, Mammoliti;

Marchese, Martel, Martin, Mathysen, Mills, Morrow, O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rizzo, Silipo, Sutherland, Waters, Wessinger, White, Wildman, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wood, Ziemba.

The Acting Speaker: All those opposed to Mr Laughren's motion will rise one a time and be identified by the clerk.

Nays

Arnott, Beer, Bradley, Callahan, Caplan, Carr, Curling, Eddy, Elston, Eves, Henderson, Jackson, Johnson (Don Mills), Jordan, Kwinter, Mahoney, Marland, McLean, Offer, Phillips (Scarborough-Agincourt), Poirier, Ramsay, Runciman, Sola, Stockwell, Turnbull.

The Acting Speaker: The ayes are 55; the nays are 26. I declare the motion carried.

Shall the bill be ordered for third reading? Agreed.

Report continues in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor/Lieutenant-gouverneur: Lt Col The Hon/L'hon Henry N.R. Jackman CM, KStJ, BA, LLB, LLD

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Troisième session, 35^e législature

Official Report of Debates (Hansard)

Thursday 16 June 1994

Journal des débats (Hansard)

Jeudi 16 juin 1994



Speaker
Honourable David Warner

Président
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 16 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 16 juin 1994

Report continued from volume A.
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ORDERS OF THE DAY

BUDGET MEASURES ACT, 1994

LOI DE 1994 SUR LES MESURES BUDGÉTAIRES

Resuming the adjourned debate on the motion for second reading of Bill 160, An Act to amend certain Acts to provide for certain Measures referred to in the 1993 Budget and for other Measures referred to in the 1994 Budget and to make amendments to the Health Insurance Act respecting the Collection and Disclosure of Personal Information / Projet de loi 160, Loi modifiant des lois pour prévoir certaines mesures mentionnées dans le budget de 1993 et d'autres mesures mentionnées dans le budget de 1994 et modifiant la Loi sur l'assurance-santé en ce qui concerne la collecte et la divulgation de renseignements personnels.

The Acting Speaker (Mr Noble Villeneuve): The honourable member for York Mills had the floor when this bill last was debated.

Mr David Turnbull (York Mills): As we adjourned the debate, I was speaking about the Highway 407 project and the very serious concerns I have about the mistake that this government has made in terms of how it has handled this contract.

To recall the circumstances under which 407 was contracted, the requests for tenders by consortia were solicited. Two large consortia were formed with the intention of raising the financing to build and maintain these roads, with the understanding that the winning consortium would have five years to build the road and then 30 years thereafter of operation, at the end of which time, the arrangement was, the winning consortium would turn over the road in good condition to the province.

The advantage of this technique would be that we would not burden the taxpayers with further debt. It is quite clear that the government from the very beginning knew perfectly well that it could raise the funds at a lower rate than any private consortium. It just is good sense, and anybody who knows anything about financing understands that.

However, the government elicited these very extensive tenders and the two consortia came forward with proposals, and then there was no public opening of the bids, as there had been in all the dealings that governments had been involved with since the early 1950s, and we were told that the winning consortium would not be financing the bid and that in fact the government would finance it. What this means is that the government will have to take on a further billion dollars' worth of debt. This government, in fact any future government, does not have the capacity to be borrowing these moneys, because it

impacts our overall credit rating, because we are progressively becoming more and more indebted.

The Better Roads Coalition was most concerned about this change, which was a change which occurred in the last 36 hours before the bids were to be opened: the decision that it should be financed from within. I would like to read just part of a letter written by the Better Roads Coalition to the Minister of Transportation, dated May 25 of this year.

It reads in part: "As we have explained in a letter to Mr Guscott, the Better Roads Coalition has a major concern with the procedure used for the analysis of the competitive bids. In fact, sir, our concerns really follow two major areas.

"First, the public was advised that private financing was a major objective for this work. The question still remains, would there have been more competitive bidding if the engineering and construction industries had been aware that the government was going to do the financing?" I think that is a very valid point.

"Second, as we have said to Mr Guscott, the Ontario government and the construction industry over many years have established an open public system of tendering that has the confidence and respect of the people of Ontario. In fact, it has been followed by many jurisdictions not only in Canada but throughout the world. To throw this openness out to safeguard the competitiveness of the bidders in other business ventures, in our opinion, is not in the public interest. Public contracts are just that, 'public,' and the contractors are aware of this when they enter into this work."

"Therefore, Minister, the Better Roads Coalition, while congratulating your government for accelerating Highway 407, are, first, asking you to provide an analysis of the two competitive bids received for this work, and second, seeking your assurance that any future bidding procedure be implemented with the full knowledge that the bids will be made public." That is key to this whole process.

Not only have we endangered our credit in the international markets through this move, but we have also lost a golden opportunity to create a really viable industry based in Ontario which would be capable of going out on a world scale and bidding on complete proposals, including the financing, the design, the construction and the operation of roads. There is no way we can offer this today.

You only have to look to the US and look at such companies as Bechtel, which in fact would have liked to bid on this road but was turned away by the government with the suggestion that because it was an American-based organization it wouldn't be able to bid.

Having missed the opportunity to have a completely

open bidding process on a world scale, we've also snatched away the ability to have a viable Ontario-based industry which has the experience to go on a worldwide scale and say, "This is what we can do: We can finance, we can design, we can construct and then we can operate." A terrible lost opportunity.

When we analyse this deal, the public has to ask, how can the government arrive at the decision of who the winning bidder would be without the knowledge that the two bids were apples and apples, not apples and oranges? I suspect, from the information I have managed to glean so far, that the two bids were completely dissimilar and should have been opened up after the government had made the decision that it wanted a particular type of construction, that it should have opened it up to all bidders to be able to go after that type of work.

In fact, we now believe that the winning consortium has been bidding on, substantially, a six-lane highway constructed out of concrete, whereas the losing consortium was bidding on a four-lane highway constructed from asphalt. I would question how the government compared the two proposals. I suspect—and I have mentioned this to the deputy minister and he has partially confirmed this—that they must have used a life-cycle approach.

Life-cycle costing depends on the assumptions which are fed in at the beginning to arrive at the variables you will measure it by, and we would very much like, in the public interest, to be able to see what the assumptions were in any life-cycle analysis.

I want to turn very quickly now to a few other matters. The government has failed, in bringing forward this massive omnibus bill which does many things other than just financing, which is what one would assume this bill should have been pure in—they have brought forward a bill that has everything but the kitchen sink, but one thing that is missing is a piece of legislation which the government had promised to the truckers, that is, that the responsibility for axle-weight loading of any truck would be shared equally between the shipper and the trucking company.

The reason we need such legislation is because at the present moment, if a trucker gets a job to carry some merchandise somewhere in this province or outside of the province and goes to pick up the load and finds that the load is heavier and unequally distributed, the trucker faces a potential fine for unequal loading. However, the shipping company can in effect blackmail the trucker into taking the load, since it is a very competitive business, with merely the suggestion, "If you don't like this load, we'll send it with somebody else." A very reasonable solution to this is to share the responsibility equally between both the shipper and the trucking company, so that nobody has it in their best interest to unequally load the weight on the axles, which has the effect of damaging our roads when we have unequal axle-weight loading.

I have spoken to the Minister of Transportation and he agrees that this is desirable, and I have heard that the Liberals, in debate, have suggested that they support this too. Given the fact that there is unanimity between the parties, I believe it is important that we move forward

with this legislation before the House rises.

Today, I have spoken to the minister about a way that technically we could get around the problems with respect to the House rules about bringing something in at this late date. It could be by way of an amendment to Bill 160, which I believe would be ruled out of order in committee. However, if the committee then sent forward a recommendation that the House be made aware of the unanimity, the House could, under the circumstances of unanimous consent, introduce an amendment to Bill 160 so we would have the ability to implement this before the House rises, and that would be good for the roads of Ontario, good for the taxpayers of Ontario, and would stop this blackmail that goes on at the present moment with the truckers.

Turning very quickly to the question of Highway 116 in the Ottawa area, there is an urgent need for the government to be moving ahead with this, and I would suggest that based on the debacle of Highway 407, we should be very conscious that the government has made a misstep and we should analyse what went wrong with the 407 bid and we should open it up to a very clear, open process so that the taxpayers know what is going and we can move forward in a timely fashion with roadbuilding in this province.

I have to get on the record, since we are speaking about the Ontario Transportation Capital Corp, the way in which the government has been misspending funds in the transportation field, and the perfect example is a report which was produced on behalf of the Ministry of Transportation. This was an unnecessary, untendered, unsolicited bid on the creation of a report with respect to bus transportation in this province. We now have a report that has cost the taxpayers some \$200,000, which is highly abusive of the private sector.

When we see that we have a government where the Premier keeps on trotting around the province, and so does the Minister of Transportation, suggesting they want partnerships with the private sector—well, I cannot conceive of the government getting too much cooperation from the private sector when they fund, with taxpayers' money, to the tune of \$200,000, a former union leader to do a report which the Ministry of Transportation initially said was not necessary, would only duplicate information it already had, and in fact is some two years late and required input from the Ministry of Transportation in the end.

Three staffers from the Ministry of Transportation had to work with this outside consultant to be able to bring the report to fruition, and it is highly critical of the private sector with such statements in the text as, "The overwhelming evidence shows that the more the public officials deal with the business community, the more taxpayers suffer through graft, kickbacks, overruns, overcharges and poorer service and quality of work."

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I refute that categorically. There is ample evidence to suggest that privatization of many functions of government would in fact yield a much more efficient and cost-effective product to the people who count, the taxpayers, who are our customers. That is the bottom line.

The government has lost the view as to who is paying the bill. It is the taxpayer and we are here to protect the taxpayer, and spending \$200,000 on this trashy report is insulting to the taxpayer. In fact, the motor coach association has asked for a retraction and an apology by the Ministry of Transportation. It hasn't been forthcoming so far. How can the minister seriously expect that they're going to get cooperation with the private sector?

Throughout the world socialist parties are reluctantly coming to the realization that they're going to have to encourage the private sector, but they haven't understood that it requires a fundamental change in their thinking. This is not just some words that they've got to change, it isn't the dialogue, it's the fundamental will to work with the private sector, and this report certainly doesn't do it.

In conclusion, we have a government that has created the Ontario Transportation Capital Corp, is mispending money, is missing opportunities and has it all wrong. This is a government that has always reviled the private sector and talked about corporate welfare bums. What did this government do? They closed the deal to sell GO rolling stock. Where did they close the deal? They went to Bermuda to do it. Why would you go to Bermuda to close the deal? Quite frankly, because there was tax evasion involved.

Here we have a government that is working in this way to deprive taxpayers of their due pound of flesh, you may say, and yet they continue to revile the private sector. The government has sold off rolling stock which the taxpayer paid for years ago; now they're not leasing it back, they're buying it back. They sold it and they're buying it back. A most peculiar transaction. One of the members of the consortium that bought it is one of the Canadian charter banks, but they're closing the deal in Bermuda.

This is a government that has not only lost sight of the best interests of the taxpayer, but they've even lost sight of what their philosophical roots are. They're working with offshore companies to deprive taxpayers of tax with every possible manipulation of the tax system. Who are the net losers? The taxpayers, of course.

That is why I will be voting against this bill, and while it's traditional for opposition members to criticize government, I would hope they might just do a little bit of contemplation as to what I've said, because these are the facts and these are the things they're doing to our economy which they could change.

We think it's probably another year before there's an election called, unfortunately; but, in the meantime, they're spending the taxpayers' money, they're losing opportunities and they've even lost sight of their own, albeit fuzzy, ideals.

The Acting Speaker: Questions or comments?

Mr Kimble Sutherland (Oxford): I must tell you, I find it a bit much to take a lecture from a Thatcherite on what democratic socialist principles are all about. The member is so contradictory—

Mr Turnbull: On a point of order, Mr Speaker: I just would like to get clarification. Is it okay for me to maybe use in election literature the fact that I've been called a Thatcherite?

The Acting Speaker: It's not a point of order.

Mr Turnbull: Oh, I see.

Mr Sutherland: Let me say that the member, in his Thatcherite views as expressed, has also been very contradictory. At one point he's saying, "Oh, you've got to work with the private sector, you've got to work with the private sector," and of course when we do enter into one of the largest joint public-private partnerships probably anywhere in North America in terms of the consortium to build Highway 407, then of course, "Oh no, you didn't do that right."

"The reason you didn't do that right," according to the member, "is we're the only ones, we're the only experts who know how to deal with the private sector. Yes, we've got tons of experience with dealing with the private sector and it's all going to be in the open and up front."

We know, and it's been in the papers again lately, how his federal colleagues dealt with the private sector in terms of the Pearson Airport deal. That was all out in the open so the taxpayers could clearly see who was all involved and what kind of deal they were getting and what kind of response.

The track record of the Tory party just doesn't hold up that they are experts and they're the only ones who have this knowledge, this secret knowledge that only they possess in terms of having to work with the private sector.

This government is interested and is active in public-private partnerships that are creating jobs and that are going to expand Highway 407, which is going to help more economic activity in this province and make Ontario even more prosperous than it already is.

The Acting Speaker: Further questions or comments? The honourable member for Durham-York.

Mr Larry O'Connor (Durham-York): Thank you for recognizing me, Mr Speaker. I just wanted to comment briefly on what my friend and colleague from York Mills has said. I think he has missed the point. He talks about how bad the government is, and that's the role the opposition plays: "You're all bad, you're no good and you're not doing anything positive."

Some 20,000 jobs will be created because of the superb negotiations by this government on the 407 and he tells how bad that is: "You did it all wrong." It didn't take place 10 years ago. It didn't happen, though people thought about it, maybe.

We knew the Liberals were going to think about doing something with that. They thought, "Maybe we'll do it somewhere well beyond the year 2000, beyond the year 2005 or 2010." Yet we're going to do that before the turn of the century. That's the kind of \$1-billion commitment that comes about by sitting down and having some good negotiations take place, some that are going to create jobs.

It's unfortunate that when you're in opposition you have to say, "Everything's bad, nothing's good." But for the subway lines that are in place, that are going to move forward, for all the jobs that are going to be created there, for the people of Musselman Lake who are going

to get safe water because of the Ontario Clean Water Agency, or the sewer expansion up in Beaverton—they don't talk about those good, positive, plus things that are out there because that's not the role of being in opposition.

The role of being in opposition is saying: "You're not doing anything for me. What have you done for me lately?" The fact is that there are a lot of good things happening out there: 20,000 jobs. "The 407's no good. You did it all wrong. You're going to get it completed a decade before we could possibly even have dreamt about it under the previous government, but you did it all wrong. We could have done it better."

I just wish that in the few minutes that he has to respond the member will lighten up the debate a little bit and talk about some of the good things about Ontario.

The Acting Speaker (Ms Margaret H. Harrington): The member's time has expired. Further questions or comments to the member for York Mills?

Mrs Margaret Marland (Mississauga South): After nine years in opposition, I can stand in my place today and say that there is a role for opposition. I am really encouraged that since we have been speaking on this bill now, I think, for three days, at different times, obviously the government is listening.

I spoke in questions and comments the other evening about the intangible properties section of this bill and in fact questioned even the legality of it because banks are legislated by the federal government and there was a big question about whether the provincial government even had jurisdiction in terms of property left with banks, namely, unclaimed accounts.

Now, today, that section has been removed. I feel very pleased, very encouraged. I had six weeks in government nine years ago and I've had nine years in opposition. There is a role for opposition, and I'm really motivated by the fact that it works.

Having said that, I hope that maybe before we get to third reading of this bill we can look at the government removing a penalty on sick people, because we still have part VIII, which deals with copayments for the accommodations for insured persons admitted to hospitals. Obviously "copayments," as I said the other evening, is another word for user fees. We should not penalize people who are ill; we should have a system where we all contribute, whether we're healthy or we fall by with sickness. So I hope they'll change that as well.

The final section that I thought was absolutely ludicrous, and I hope for some change in this, is where we grant commercial fishing licences to commercial fishermen and then charge them, according to this bill, on every fish that they take out in the form of royalties.

1600

Mr George Mammoliti (Yorkview): Very quickly, I can't understand some of the negative comments that came from the member for York Mills. I can't understand why he's not happy that thousands of people are going back to work, and they're doing it at a rapid rate. Thousands of people are going back to work. I can't understand why he's being critical of that.

I can't understand why you're being critical of the fact that when the 407 is finally going to be completed, thousands of people are going to be rushing off to work a lot quicker. Of course, when you talk about pollution and the number of cars that won't be idling, I can't understand why he talks negatively about the 407. I don't understand it. In one light, the Conservatives stand up and they talk about working in conjunction with the private sector; on the other hand, we've got 407, which is going to do just that, and you stand up and criticize it. I can't understand it.

I don't understand why you stand up in your place and criticize the subways, the thousands of jobs that are going to be created with the subways. I can't understand how you cannot realize how many people are at home, construction workers with their workboots on, pretty much, waiting for their foreman or their boss to phone them and say, "There's some work here."

I can't understand the criticism. I don't understand why, one day the Conservatives stand and they talk about one thing, and when the government reacts and when it does something, they stand up in a negative light. I don't understand it and I'm sure the member for York Mills will know darn well that his constituents probably don't understand it. Talk to those people with their workboots on.

The Acting Speaker: Now the member for York Mills has two minutes to respond.

Mr Turnbull: If the members had listened carefully, they would understand what I was saying. I was not trying to detract from getting these people back to work. The majority of the roads in this province were built by the PCs; they certainly weren't built by the Liberals.

The fact is that this deal was changed in the last 36 hours and there hasn't been any public scrutiny of the way it was changed. It was changed from being a deal which was to be financed in the outside markets by the consortium, which we applauded and would get people back to work, to putting debt on the government books, which we're saying is the wrong method. On the one hand, you've got it all wrong. We said this is a good idea, but at the last moment, you changed the deal.

To the member for Oxford, who talks about the Pearson Airport deal, it's very interesting, because some of the consortium members who won this deal are in the Pearson consortium deal. So if you want to talk about a deal, you'd better look at who the players are.

This deal was hatched up in secrecy. The public has never heard from the minister. When I have asked him if this was the best deal, the lowest bidder, he has never, ever answered that question, and that is the question that we're asking.

We are not taking away from the ideal of building roads; we need roads built. But the method which was originally brought in by this government—to have private consortia building, financing and operating the roads—was excellent. We applauded them for it. Now, when they have reneged on this deal, we castigate them for the fact that they have missed a golden opportunity.

I will once again remind you, the PCs built the major-

ity of the roads in this province, the majority of the infrastructure.

The Acting Speaker: The member's time has expired. I am looking for someone who would like to take the floor on further debate.

Mr Steven Offer (Mississauga North): I am pleased to join in the debate on this particular piece of legislation. I know there are a number of members who wish to take part in the debate, so I'm going to try to keep my comments as brief as possible.

What we're talking about here is a piece of legislation which is always referred to as an omnibus budget bill. I think a lot of people don't particularly recognize what an omnibus bill is, but it is a piece of legislation which implements a number of measures, many disparate. It causes a problem in the Legislature because we then are not focusing on one particular area.

The government is trying to ram through a number of measures without any one particular focus, so much of the debate may deal with matters around the Education Act, the Public Lands Act, the Retail Sales Tax Act, the Provincial Offences Act, the Corporations Information Act or the Co-operative Corporations Act. All of these different acts have been affected by the piece of legislation we are debating.

One of the things I've always found strange is that a government which should understand how this place works by now resorts, time and again, to omnibus pieces of legislation. I believe that it really takes away from the opportunity of the general public, through us as legislators, through our constituency offices, to direct attention to one particular area. I am very much opposed to these types of omnibus pieces of legislation. They underscore the fact of a government that can't order its own affairs, that is trying to put too much in the basket at once and provides a real barrier, a real burden to people's addressing particular concerns.

Just as an introduction, I have significant problems with the bill, not only in its substance but rather in the way it has been created, in the way it is being portrayed and in the way the government is trying to ram through not just a piece of legislation but rather one piece that contains many different and separate parts which will affect other people in different ways. That is not going to be fully appreciated in the way in which the government tries to address these issues.

For me, although there are many areas in the bill which I would like to speak to, there is one that is an issue that has been brought to me and my constituency almost on a daily basis. There is an amendment in this legislation to the Corporations Information Act, and the change that is contemplated is going to force all Ontario corporations to file annual returns. This is the companion piece to the recent regulation that corporations must pay \$50 each year along with their information forms. When we cut through all of that, what we are looking at is a piece of legislation that is going to cost businesses, especially small businesses, \$50 each and every year.

There is no question that as many businesses have struggled with the recession—many have not succeeded

but others have moved through these very difficult times—every dollar does count. For the government during this time to demand \$50 from each business in this province is ludicrous. The government will say: "This is necessary for us to make certain that our records are updated, that our records reflect the current position of a company as to who the directors are, as to where the head office is, as to where one can get in touch with the operators of a company."

That's fine. I think records should be updated. But what the government hasn't said is that when they first introduced this initiative, if one wishes to call it that, they indicated that it was going to be a one-time action. In other words, they were going to deal with all of the corporations. They were going to say to all the companies: "Over the years the information about where you are and who you are may have changed. We want to update it, and the cost is going to be \$50."

1610

I had some very large concerns about that, but I remember the Minister of Consumer and Commercial Relations stating that this was going to be a one-time, one-shot burden on businesses. I had some very strong concerns, but I was also listening very closely to what the minister was saying, that the cost to the companies was going to be a one-shot occasion.

The year had not passed before the government said, "Wait a minute, it's not going to be one time." All the companies now have updated their records. The ministry, the government, has an update on where the company is located, who runs the company, what their addresses are—all of that is updated. Now the government says: "Well, even though you did that and even though that was our initial goal, we want that \$50 from each company each year even if"—and for the most part this will be the case—"there has been no change in the head office, there's no change in the mailing address, there have been no changes in the directors and the officers. We just want the \$50 each year from each company."

I have received an incredible amount of telephone calls and letters, primarily from small business, primarily from that group of people we all make speeches about. They're the ones that are able to create more new jobs in this province than any other sector. We all make speeches about that and I trust we all believe that deeply. But how do we repay that group, that sector that creates the good new jobs in this province? The government congratulates them by saying, "Penalty, \$50; next year, penalty, \$50; the following year, penalty, \$50," each and every year, and not only the money but also the paperwork.

Can we understand the cynicism that some of the business community has with this government? They make the speeches that these new jobs are created by that entrepreneurial spirit, much of which is focused in the small business community, that they recognize where the demands are, recognize where the business interests are going to lead, that they are ready, willing and able to stand up and embrace the challenges and overcome the burdens and set the stage for not only continued job establishment but job growth, wealth creation. On the one hand, as they make speeches about that, extolling the

virtues of the small business community, which should be done, they say in here: "Well, here's another \$50 tab off your bottom line. Here is what we think of you." It's as if people are moving forward in the business sector and the government is holding them back.

I do not say that government does not have a right and a role and a responsibility in regulation to a degree; of course it does. But where a company has updated its files, where a company does have up-to-date information filed with the government, as most do, then why must it do this each and every year? Why can it not be just a responsibility on corporations that if there is a change in their ownership, if there is a change in their head office, if there is a change in their mailing address, if there is a change in their officers, then there is an obligation to inform the ministry? But no, the government wants it. It wants that \$50 from each business whether there is a change or not.

I think that is wrong. I think it unduly and unfairly penalizes a sector which is doing and continuing to do a job in this province called creating new growth and jobs.

I am very, very critical not only of the legislation but of this piece in particular, because of the fact that I've received so many telephone calls, people are so concerned about this. Some might say, "Well, gee, \$50 doesn't sound like much." Well, how wrong can one be? Fifty dollars to a small business which is struggling is a lot of money. That doesn't include the paperwork. It's an awfully big burden, and that is added on to other areas; it's not by itself but another addition.

We have to be very sensitive and recognize that the small business community, the business community in general, does not need a \$50 charge where it is not warranted, does not need increased paperwork where no new information is being provided. That's what this does, and that's why I'm very upset with the government not recognizing how important that particular sector is in this province and how it has been struggling, how it has been overcoming the challenges and meeting the needs of and providing jobs for many people.

I am very concerned not only with the bill itself, with the omnibus nature of the bill, where it touches on so many different areas, but also specifically with this Corporations Information Act, which foists an obligation on businesses that they have already met.

What happens if they don't tell the government that there has been no change? They can lose their charter. The government can dissolve them. The government can say, "You're no longer in business." How ridiculous is that for a government to do? How silly. It's insane that they would do such a thing.

The fact of the matter is that what we have to be doing is exactly the opposite. We should be pushing and promoting and helping business do what it does best, and that is to grow and that is to create wealth and that is to create new jobs. It is to create and expand and it's to be flexible and recognize where the needs and the demands are going to be in the future.

We don't need this type of legislation, which indeed does not help business but hurts business. What we need

is less government in many areas; this happens to be one in particular. This particular piece of legislation is absolutely unnecessary and that \$50 annual charge for every business in this province is not warranted.

I am very much opposed to this. I am very much opposed to the obligation, the burden it puts on small business, and I'm very much opposed to the government not recognizing the true worth, the true commitment and the true effort that small business, business in general, has in this province in the creation of good-paying, long-term jobs.

The Acting Speaker: Now we have time for questions or comments to the member. The member for St Catharines-Brock.

Ms Christel Haeck (St Catharines-Brock): I have the privilege of sitting as the Chair for the standing committee on regulations and private bills, to which all the revivals of incorporation status have come. I can't tell you how many times on a weekly basis, when the House is in session, we deal with the revivals of corporations that have not kept their information up to date.

What the member from Mississauga at this point wishes to communicate is that somehow this is onerous. But I have to disagree with him most heartily, because I believe his information is wrong, massively wrong. I think he's communicating the wrong message to a lot of businesses out there and I think he should apologize to them, because he is encouraging those companies to be scofflaws, and that is inappropriate.

I would say that the issue really and truly is the fact that to maintain your legal status, to maintain your tax status, to have the protections of the law as an incorporated company is uppermost, and what the member for Mississauga is suggesting is that somehow it is inappropriate that a government should institute a fee so that companies comply.

Thousands of companies in this province have not complied. A recent issue of the Ontario Gazette lists thousands and thousands of companies which are at risk of losing their corporate status.

Some people have probably listened to the member from Mississauga and feel, "Well, this is just some minor thing we have to deal with." I'm sorry; it is not. I think you're wrong, very, very wrong.

1620

The Acting Speaker: The member's time has expired. Further questions or comments to the member for Mississauga North? Seeing none, the member for Mississauga North may reply.

Mr Offer: I would very much like to reply, because I think the member who just spoke is absolutely wrong. If she had listened to what I said—maybe the microphone wasn't on, I don't know—she would have recognized that there is a Corporations Information Act and that companies do fill those out.

Ms Haeck: And your comments encourage other people to ignore that.

The Acting Speaker: Order. One person speaking at a time.

Mr Offer: Indeed there is an obligation for corporations to indicate to the government when there is a change. Listen to this very carefully. There is an obligation on corporations to indicate to the government when there has been a change in their head office, their mailing address, their officers, their executives, their directors, and that has always been the case. But that isn't what this is. This particular piece of legislation is saying to all of those companies whose information with the government is up to date, hasn't been changed, that they are still going to have to pay \$50 to the government.

You're going to have to, I say with respect, justify to all of the hundreds of thousands of corporations—

Ms Haeck: You are encouraging scofflaws, and that is unfair.

The Acting Speaker: Will the member for St Catharines-Brock come to order.

Mr Offer: —in this province whose information with your own government is up to date, where the addresses are effective, where the head office is known, where the directors and their addresses are valid, where the president, directors and executors are in good standing, why those companies still have to pay the \$50.

Do you know what the answer to that is? The answer is: grab. It's a revenue grab. That's all this is about. It would be well advised for the government to stand up and admit that this has nothing to do with information which has already been updated. It has everything to do with grabbing some dollars from the small business sector, and you should be ashamed.

The Acting Speaker: The member's time has expired. We would like now to move to further debate on this bill.

Mrs Dianne Cunningham (London North): Bill 160 does have some effect on the education system in the province of Ontario, and there are some concerns I would like to put on the record.

Part III states, "The amendments to the Education Act change its provisions governing the sharing of assessment for school purposes of publicly traded share capital corporations and non-share capital corporations in the public sector from a residential/farm assessment basis to an enrolment basis."

I'm finding the fact that this Bill 160 is under the Minister of Finance very interesting, because the last time we took a look at a form of pooling, it was under a Minister of Education bill. So I'm not quite certain where the management practices of this government lie, but my expectation around this one is that they did want to hide this very controversial issue and the explanation of the issue—I underline the explanation of it—and the implications of it in a Finance bill as opposed to discussing it in an Education bill and referring it to committee.

Of course our hope is that it will be referred to a committee so that the public school boards' association, the separate school boards' association and others that are interested can come to the committee and the minister can explain the implementation of this particular Education bill, found, of course, in a budget bill.

Prior to 1989, the separate boards did not have access to commercial and industrial assessments as a source of

revenue. The separate system had to rely on provincial grants and residential property taxes. I think all of us are very interested in fair assessment and fair pooling of educational property tax dollars.

In 1989, Bill 64 passed, which provided for the sharing of commercial and industrial assessment between coterminous public and separate school boards based on the level of residential and farm assessment in the municipality. That was the first step towards the pooling that had been promised as a result of the passage of Bill 30, the extension of funding to the separate school boards.

Starting in January 1990, the pooling of commercial-industrial assessment is being phased in over a six-year period. The separate system will not have full access to the commercial-industrial assessments until 1995.

The separate school system was not satisfied with Bill 64. They wanted the pooled funds distributed on the basis of enrolment and not residential and farm assessment, and they wanted non-share capital corporations, which include church properties, in the pooling mix. Bill 27 subsequently dealt with the pooling of non-share capital corporations. This one, I believe, was probably about a year ago. Again it was an Education bill.

Bill 160, however, will amend the Education Act and five other statutes to change this method of apportionment over a three-year phase-in starting in 1996. The letter by the Minister of Education and Training indicating that this would happen went out to the school boards, I believe, in May, so there was some warning. There have been some responses to those letters. The new method will apportion the assessment between the boards on the basis of enrolment. There should be an opportunity, I feel, for all of us to understand just what "enrolment" means.

We've had a number of letters with concerns that of course we will pass on to the minister if he hasn't already got them. But I think what we're all complaining about in this regard is the fact that we haven't had an opportunity in committee, as we normally would, to get our questions responded to, nor have the institutions and the individuals and the school boards that we represent.

When fully implemented, this new formula will result in a loss of assessment to public boards of \$160 million, which, because of compensating grant offsets provided through the general legislative grant system, will translate into a net loss of some \$60 million. Others say \$50 million. I'm not here to argue amounts of money. I am here to tell you that most school boards have a very long memory and that the extension of funding to the separate school system was not to be at any expense or cost to public school systems. We have always taken that into consideration. That's called fairness too, and if it were the other way around, I would be standing in this House and making this point.

I should add that on May 5 Mr Patrick Slack noted: "The OSSTA," the Ontario Separate School Trustees' Association, "welcomes the fact that beginning in 1996 the assessment of publicly traded corporations will be shared on a per-pupil basis by coterminous boards, and we believe this significant change denotes two intentions on the part of the government of Ontario. The first is that

the individual student and the opportunities available to that student will be the focus of education finance reform, and the second, we believe, is that all schools, rural and urban, rich or poor, can look forward to the day when funds are distributed equitably." Certainly I support that statement.

In my private member's resolution, which received the support of the government this morning and of course of all the members, we also stated that the fiscal year from January to January is not helpful to the school boards. We've known this since the early 1970s. There have been people and groups and individuals and boards asking for that change, and today we all agreed that should happen.

If this bill were referred to committee, or at least severed and this piece referred to committee along with others, the government of the day would have the opportunity to implement a fiscal year for schools, meaning from the beginning of September until the end of August, which we all agreed to. If we're really looking at finance reform and we're doing it separately from the commission studying education in this arena today, I suppose there are a couple of other things we could do that we have full support for, if we're really looking for equitable funding and good management in our school systems.

I should also tell you that I'm quite aware that Mr Slack phoned us today and does support this as part of a Finance bill. I know that in his representation of the Ontario Separate School Trustees' Association he would want to see this move forward as quickly as possible. However, if we were dealing with something that was taking away \$60 million from the separate school boards in this province, I suppose they would phone me and say, "Put it in committee." So I'm trying to be fair to everybody, and I think open consultation and opportunities for public input is probably the fair way for everybody.

1630

Mr Sutherland: Are you trying to be fair or are you trying to be like the Liberals?

Mrs Cunningham: Madam Speaker, I think the member for Oxford would like to speak. Would you like me to proceed?

Betty Moseley-Williams from the Nipissing District Roman Catholic Separate School Board is very concerned that the request we're making today in this presentation to you, Madam Speaker, and to the government, is an intent to slow things down and derail this proposal for the separate school boards. That's not the intent at all. I don't think it takes a lot of time to go into public hearings. Government members have had to do that, along with the rest of us, on many issues in the province. Quite frankly, I think this could be dealt with in a very quick way so all of us would understand the implications.

Moving forward with regard to the press release I was referring to from Mr Slack, they stated they were "pleased to hear that this step does not prejudice the government's intention to proceed with a comprehensive finance reform." In other words, this is a good step, but move forward with a comprehensive finance reform. It isn't comprehensive when we piecemeal it like this; however, the government has been delaying on their

promise for finance reform since the day they were elected, so that's not news to anybody in this province.

We spoke with Mr Slack last week again and he really does want this to move forward. He also indicates that the pool, which is the amount of money we're talking about from the government, is still too small. We're not only looking at poor budgeting procedures within the government—not only this government, former governments as well. Sometimes, when the Conservatives were in, they didn't get their grants out on time. There has to be a change so we can manage our school systems effectively and so that the taxpayers of this province have administrators and school boards that can plan without all the last-minute changes and the changes to the tax notices that occur down the road.

The real losers when we can't plan carefully are the students. But we're in trouble in education in the province anyway, given the government's own statistics that about 53% of the employees in our school systems today are people who actually teach children; the other 40% are not in classrooms. That's a contentious argument which we would be happy to debate in any committee of this Legislature, given that those are the facts as presented by the province of Ontario's own figures.

The Ontario Public School Boards' Association fundamentally disagrees with this unless it is done in conjunction with a confederated school model. That's their position. They're taking a look and feel very seriously about sharing resources.

The minister himself, a couple of weeks ago, announced a task force here in Metropolitan Toronto between the seven Metro boards, the Catholic board, to take a look at the sharing of computer services, I think it was, certainly of the warehousing of supplies, and I can't remember the other one. But we know a consulting report that was made available to the public over a year ago said the Metropolitan Toronto school boards could save \$55 million if they just shared administrative work in those areas I mentioned. There's lots of room for improvement in management within the school boards themselves.

When the budget was announced, the Ontario Public School Boards' Association made some pretty significant points. They stated that this was another shuffling of education dollars because there's no new money for education, and that's definitely fair. What we are doing is giving more money to the separate boards, which certainly is something we've promised, but there's no new money other than a change in the grant system. The public boards are still losing some \$50 million to \$60 million.

They also stated when the budget was announced that many public school boards had already experienced large and unexpected reductions in their grants this year due to new equalization factors used to update property values across the province. Many of the boards had already suffered somewhat because of these equalization factors. Yes, some did get increases. I don't think there can be a generality around why people got increases or decreases, but I think it should be taken into consideration that when you get decreases on top of decreased grants, we really

are having a hard time working on behalf of students in our school system.

"This move"—this is Bill 160—"is detrimental to public school boards and will erode a system that prides itself on being open to all students." When we see the equality of funding, we'll probably be looking for more equality of access. That is definitely a statement that has been made on behalf of parents across the province in the public meetings that I attend; just yesterday to a chamber of commerce here in Toronto.

"The provincial government broke its promise to consult with the school boards on this major policy shift," and that's not new for this government. For a government that said it represented the people and would listen to the people, it has probably done less consultation than any other government, certainly that I've worked with; that's only one, of course, the Liberals, but I was very much a part of the governments before I come to this House six years ago and on many occasions since the early 1970s sat on advisory committees to the government of the day. I wish that process would be used more openly before governments, any government, take action such as this. This is why we feel compelled to make these statements in the House today. Not only did they not consult; it'll cost, as I stated before, \$60 million, and I wanted to put those remarks on the record.

With regard to the Essex county school board, who called us on this, this chairperson of that board agreed that "the public school boards cannot support this move unless it is being provided in conjunction with consolidated school boards." I think we're seeing a lot of support for the sharing and a moving in that direction across the province of Ontario.

I speak specifically with regard to my friend and colleague the member for Chatham-Kent. The Kent county school boards have probably done the best job, given that it's not one of the larger boards in the province, without any direction from the province, on its own, recognizing that it is responsible to the public it serves. Therefore, the public and separate school boards are working together. I've put those remarks on the record before, as has the member for Chatham-Kent. He probably thinks I say this because he's in the House today, but I have to say he's in the House a lot, so I wasn't really trying to appeal to him except to say that he should be proud of the school board he represents.

The London and Middlesex County Roman Catholic Separate School Board: "The board has attempted to measure the approximate effect of the change in the city of London once the new system is fully implemented in 1998, and the figures indicate that there will be \$2.03 million in additional taxes to the separate school board in the city of London." Of course the question would be then, should the public school board expect any compensation in this regard? The way the legislation is now, and without the opportunity to ask the questions in committee, the question remains unanswered.

We did have a couple of letters that I thought would be worth reading into the record today. One was from the parliamentary assistant to the Minister of Education and Training's school board, the Sault Ste Marie Board of

Education. This letter is going to the executive director of the Ontario Public School Boards' Association, who did seek input after the letter of May 5 from the minister. They're sending it to Mr Benson, and they say:

"Attached for your information is a report provided to our board at a recent meeting indicating the effect on our board's taxes and grants of the sharing of assessment of publicly traded corporations on the basis of enrolment, as well as the total effect of the sharing of this assessment." This letter was written on May 26, 1994.

"While the ministry maintained our only loss would be \$198,980, our position is that our loss is"—and I think this is significant: it's about \$1.2 million, though he uses more exact figures—"...because the increased ceiling of \$96 is provided to all boards, and in some years the funding for that amount was not added to the provincial allocation for education purposes.

"In these calculations the assumption has been made that the enrolment to be used for sharing purposes would be resident-internal and resident-external. It may be of interest to accumulate this type of information from all boards of education who are involved with the sharing of public corporation assessment."

This was sent from Mr Bert Campbell, who is the superintendent of business, who also responded this morning to our request for the year-end being August 31 for the fiscal year of school boards. We've had a lot of response. If you want good advice, you can get it just by asking and giving people lead time.

1640

Another concern—there are many concerns like that of the Sault Ste Marie board where they differ in their opinion from the Ministry of Education's figures. This one's from the Hornepayne Board of Education. It's to the Minister of Education, dated June 2. It states:

"You recently announced that the government will be shortly introducing legislation to change the basis on which coterminous school boards will share certain types of assessment. It's our understanding that starting in 1996, this assessment will be shared on the basis of enrolment rather than on the percentage of residential farm assessments. This raises significant concerns for our board."

Can you imagine getting a letter on May 5 and having to respond in June?

"We are currently one of the few boards of education in the province whose coterminous board is an isolate board. The situation which exists is such that the mill rate set by our board is also the mill rate for those ratepayers who support the coterminous isolate board. Our current elementary enrolment is approximately 160"—I found this interesting—"while that of the coterminous isolate school board is around 70.

"Should the sharing of assessments change on the basis you propose, our board will lose a great deal of our current assessment. The result will be that our board's financial situation will decline dramatically. As we have less assessment to draw from, our mill rates will increase. Because our coterminous board is isolate, so will theirs."

It goes on to talk about ratepayers in the small north-

ern community being "adversely affected financially by what you propose" and it goes on to talk about how the school and the children—I love to see the words "children" and "students"—in a letter. "Please consider very carefully all parties who will be impacted by this legislation."

Don't you really think, with letters such as I've just read, that it would have been so advantageous for the Minister of Education to consult with these school boards, to have public meetings in some way so they could put their concerns on the record? And don't you really think that maybe, because there is \$60 million taken from the public boards to pool with the separate school boards on the basis of enrolment, this could have been explained to all of us so we could have been on the government's side, for a change, since we all voted for pooling?

I really think that in the last couple of weeks there have been significant losses in this Legislative Assembly because of the inability of the government to bring forth legislation, explain its position, get support ahead of time—we saw it in this House this morning in a private member's bill—just because of its hurry to please somebody and get nothing done. Now people are really upset. We probably are accused of stopping people from getting things done sometimes, but I wish we were never put in that position. With proper consultation before legislation such as this is introduced, we would not have been put in that position and therefore, some of the members in the House today wouldn't feel so put off because we're asking for something, for a change.

I've raised section 3 of Bill 160, a budget bill, including implications for education. I've put on the record our concerns with regard to the Education Act amendments. It's my hope that later in the day we'll be able to sever parts of this bill, put it in committee, have the questions answered, and have the public school boards and the separate school boards and individual boards bring their concerns to the minister and move forward.

The Acting Speaker: Thank you to the member for London North. Questions or comments?

Mr Randy R. Hope (Chatham-Kent): Unfortunately, I didn't have the opportunity to participate in the debate this morning. As to the comments about setting up another fiscal year—a fiscal year for the province, a fiscal year for the municipality and a fiscal year for the school boards—it would only lead into further chaos in our system of trying to manage both the property tax issue and the provincial tax issue and allowing the school boards to be more responsive to the students in our school system.

The member for London North is also correct about my school boards. I take extreme pleasure in praising my school boards and also the administrative body in my community for leadership. You're absolutely right: They didn't need provincial direction, they did it on their own. They did it on their own because they wanted to make sure they were getting the best value for their dollar, in municipal tax base and also provincial tax base.

The ones that suffer the most are the school boards, like mine, that have been very efficient. I've got directors,

Earl Lozon and Bill Green, retiring from both school systems. They had the foresight of making sure they had value for the dollar in education. Unfortunately, some of the changes that are being made—and I listened to the member opposite say some of those school boards will lose megadollars. They've also probably spent big dollars in this process.

I believe one thing that has to be done is that the GLGs have to be changed. Why does it only cost approximately \$1,300, and I could be mistaken, in Kent county and up to \$2,300 and higher—I mean, we're the second-lowest in the province for educating our children, and I believe we come out with well-educated kids. But if you go to other communities, they go higher and higher. The inequities and the difference for our children are very important. We must straighten out that funding mechanism so our children can get the same value, because we all pay the same taxes.

To the member opposite, if your resolution this morning was that, I'll put on the record today, listening to the comments you've made, I would probably have voted against it. I believe what we've done is try to straighten out an inequity that was there. It's going to take a lot of work. You're not going to make Rome in a day. I believe that with the support of the directors in our school system we can accomplish whatever we need to to provide quality education.

Mr Sutherland: I know the member for London North has a very long record of being actively involved in educational issues from her time as a school board trustee. Listening to her speech, though, I'm still trying to figure out exactly where she stands on this issue. She said she wants to support equality and she said it wouldn't matter whether it was separate boards or public boards, if it was a different scenario, yet she says she's unsure about how it's going to be done.

We're talking about a small amount in terms of the overall percentage of assessment. It's going to wait until the current assessment process is finished in 1995 and then we're going to phase it in over a three-year period, from 1995 to 1998. It's not like we've said this today and it's going into place tomorrow. The school boards all across the province are being given a great deal of notice and it's still going to be phased in. We're talking about something over a four-year period.

I was trying to find out for sure where the member for London North stood on this issue. I think she supports it, but then she went on to other comments that she's not sure she supports this. And then she mentioned the issue of compensation for the public boards. One might want to put out the question: "If that's the case, we believe this is fair. Let's do it, but it's only fair if we compensate the public boards." Well, what about the separate schools for the last five or six years, while we've been implementing an older system of pooling? Should they not have the right to demand compensation if you're going to give it to public schools for this case?

That's the impression I was getting, both sides of the issue, and that's why I did make the heckle. I know it was inappropriate, but the member for London North has had Liberal-leaning tendencies in the past, and I've

complimented her on those tendencies rather than the far right where her leader is taking them, but she was certainly sounding a lot like the Liberal Party of Ontario, trying to have it both ways at the same time.

The Acting Speaker: Are there any further questions or comments? Seeing none, the member for London North now has two minutes.

Mrs Cunningham: Madam Speaker, I've always told the member for Oxford—and he gives me these wonderful opportunities—that when he grows up he will be a Conservative. That's my statement publicly and every other way.

What can I say? He wants to know exactly where we stand. He knows it. We are in favour of pooling. Why are we upset? Because at the outset, when Bill 30, which provided the extension of funding to the separate boards, was passed by all three parties of the Legislative Assembly, we knew there would have to be some kind of catch-up for the separate boards at no cost to public school boards. All I'm trying to do is to have a memory for what was stated in the beginning. I'm sure the member for York-Mackenzie will remember that; he was involved as well. And I am absolutely certainly that the member for Oxford's former colleague Richard Johnston was behind it from the very beginning. He would be saying exactly what I'm saying today, that he supports pooling, as I do, so make it very clear. But there are ways of doing things, and one of them is to consult.

1650

A letter on May 5 which changes the way you expand this pooling to a definition of "enrolment" as opposed to the former definition is something that should be discussed in an education arena so we all understand it. That's all I'm saying today. I want to make it clear.

To the member for Chatham-Kent, I should tell him that if he didn't vote in favour of the resolution this morning he wouldn't have been supporting his own school board, which is in favour of it, so it's better to do your homework. I will tell you also that it was a unanimous vote and certainly your own government supported it today through the parliamentary assistant, and that parliamentary assistant spoke on behalf of the government today. The government supports this legislation. There was no one who didn't vote in favour of it in the House.

The Acting Speaker: Thank you. The member's time has expired. I appreciate her contribution. Further debate on this bill?

Mr Charles Beer (York-Mackenzie): Before beginning, I thought, because the member for Oxford had on suspenders and a blue shirt, that he had perhaps already made that move. Maybe I'm mistaken and suspenders are now more of a people kind of thing.

I'm pleased to have an opportunity to speak on Bill 160 and, like the member for London North, I want to speak on part III, which is the section that deals with changes to the Education Act. I want to say at the beginning, just so the member from Chatham-Kent and the member for Oxford won't be confused, that the direction which the government is suggesting here is acceptable. I think this is seen as the next step that one

would be taking in moving towards greater equity and that we all want to achieve that goal but that the question my colleague from London North raises on how we do that really does become critical.

I think the concern we've had on this side of the House regarding this issue is this: A while ago, over a year ago, it was expected that there would be an education funding reform bill before this House before we went into the next election. All of us, and let's say right up front, recognize, first, that it's a very difficult and contentious issue and, second, that no government, whether it's this one, the previous Liberal government or previous Conservative governments, can say, "We did everything that had to be done in order to ensure that there was full equity."

I think, and it was again noted by the member for London North, that we had begun some important steps. She referred in 1989 to the former Bill 64, which dealt in part with the issue and started a six-year program. The government is now proposing another approach that's going to focus on children.

I think where the problem arises and where there are concerns that are being expressed by public school boards is, what is this part of? Everyone knows we need fuller and more basic funding, so what gets left out there is a whole series of questions in terms of just where this is going. What will be the time frame? What kind of discussion will there be? Then that gets all coupled in with the business of omnibus bills.

We've had concerns on this side of the House with a number of omnibus bills, in some cases within one area. We've had some education omnibus bills where we've supported part of it and had reservations about others. It has been indicated by a number of speakers with respect to this bill, which has some 17 different parts, that there are sections that probably do have the full support of the House but others where even if they have support, there are some real questions and we haven't been able to have the kind of discussion we need to have.

I want to say to the government that I still think there is a place—there's certainly a need but still a place—for some broader discussion of what the basic principles are that would guide the government in terms of more fundamental educational financing reform.

We've had the Fair Tax Commission report. There was nothing said about that report in the budget and one isn't entirely clear whether what the government is saying is, "That's not on. We're not going to deal with that report in any substantive way," or whether there's some work going on in the backrooms around some of the elements in the report and perhaps they're going to see their way into some election platform later this year or next year.

We know that in the Ministry of Education there has been a special group meeting that was chaired by the parliamentary assistant, the member for Sault Ste Marie, on these issues. One has heard different stories about conclusions that they came to or different directions that they were proposing, but again we're not sure exactly what is there.

There's been a lot of work done on changes that we

ought to bring to educational funding reform, and I think we're at a point where we really need to take that debate out to a larger section of the population. What I had hoped for when I saw the reference in the budget to the proposed change was that okay, good, this means there will be a bill.

We'll have something that we can go out with, not just to talk about that element, because I think a lot of the questions on how that would work can be answered, but we can go into the dollars and how those are going to be distributed, and if there are problems with certain boards, as can sometimes happen, the ministry can then look at that and deal with it.

More important, it would give us an opportunity, in terms of the public boards, the separate boards and other stakeholders, to say, okay, we've got this direction which is now moving on to funding by the number of pupils, so how do we handle the difficult issue, clearly, of those boards that have had for the most part, public a certain amount of money, the separate who have had less? How do we work out that phasing in to real equality and equity?

I believe, if we can have that discussion, that we're going to have support from all of the players. But clearly for many public boards there are still tremendous concerns around a number of the problems that they're facing in their own jurisdictions, and really saying, "Look, you can't just take even a small amount of money away from us now without it having an impact." How are we going to face that? What kinds of mechanisms can be put in place that will really mitigate against any major impact that that would have?

We've got another week here in the Legislature. I understand that we may get a day or two on this bill in committee, but again, with 17 parts, it's going to be very difficult to deal substantively with probably more than a couple of elements, and I think this is the part that is unsettling.

With the member for London North, when we look back at other bills that have come in on this subject, they have been brought in by the Minister of Education, and so we've been able to have a debate here in the House, to put questions, to go back and forth, and we're just not going to be able to do that here.

As with the member for London North, I have had letters, phone calls from both public and separate boards, with questions that I can't always answer in terms of how this would work. I think part of the process of dealing with that is then, as we debate a bill and when a bill is in committee, being able to go over that material and to get the kinds of answers that are required. At the end of the day, if they're not all answered, we still have to vote and the bill goes forward. But here, because we've got such a mix within the whole Budget Measures Act, we're not going to be able to deal with this in an appropriate fashion.

Reference has been made both by the member for London North and the member for Chatham-Kent about the debate we had this morning around the issue of the fiscal year. As the member for Chatham-Kent knows, the minister for whom he is parliamentary assistant as Minis-

ter of Education had indicated that he felt it would be good policy to move to a funding of school boards on the basis of the schools' fiscal year. We talked about that and some of the difficulties that are involved with it, but none the less there was the feeling in the House this morning, and indeed the vote recorded that, that this is something we ought to do because that will help in the planning and budgeting process of the boards.

Again, as an issue that one would like to discuss with the minister and while the bill is in committee, that is another part, albeit in the long term perhaps a small part, but an important part none the less in changing the funding system that we want to have.

1700

The other issue that I would want to raise with this is how we're going to tie together the royal commission report later this year and education funding reform. I think it is essential, when we get that royal commission report, part of which is going to deal with governance, to recognize that we can't separate out the issue of governance of the school system without looking at how we fund it, and that means in the current context that we look at the issue of funding reform.

I would say again to the Minister of Education that I believe we should have a white paper. I think there's enough material, and indeed I suspect there's a draft of that paper sitting in the Ministry of Education; it was simply decided not to go forward with it. But I think that paper should be put together, put out into the public domain, and that it go to the standing committee on social development so there can be broader discussion on the options that are in front of us. It is not going to be an easy matter to resolve.

On the question of equity, I think no one who looks at the current funding system can come to any other conclusion but that the separate system is facing an inequitable situation. We also recognize that when you're making changes, you've got to do it in a way to bring the greatest number of people along with you. For many public boards that see themselves losing dollars, how do we work at mitigating the impact of that and how do we make sure that we deal with legitimate questions that they may have?

The best place and the best way to do that is where we can have some broader discussion. But I think from the government's point of view, if this, in its mind, is sort of the end of what it's going to do around educational funding reform, it is really making a major mistake because, if we're looking at an election in the spring of next year, that's going to put off any further changes for quite some time in a way that I don't think is going to be of help. Not only are there a number of separate boards that are in deficit situations or close to it, but increasingly there are public boards that are in very difficult financial situations.

I think that's why we keep talking more today about assessment-poor and assessment-rich than we do about the separate versus public, because it's not that simple. I don't know that it ever has been. But I think it's important that we underline that this is not just an issue that may pit public board against separate board, but it raises

real concerns around those who are assessment-poor, who just have a poor assessment base, versus a much smaller number of boards that have a greater availability of assessment.

That in itself also raises questions, because those who do have the larger assessment base are saying, "But look, is that the way we should be going?" whereas simply those boards that have a lot more property taxpayers or who have a richer assessment base should be funding it that way as opposed to the province trying to make sure there's a much more equitable playing field for everyone.

We also know that, apart from the question of assessment, we have boards in the larger urban centres—I'm thinking particularly of the greater Toronto area, Ottawa-Carleton—where there are particular problems that they face which may be different in degree and in kind than many others. I'm thinking here of issues around refugees, around English-as-a-second-language programs, a whole number of things where they just have greater expenditures.

Again, as the member for London North noted, one of the reasons in a number of board areas where, when you're trying to track the dollars, you find less money that appears to be directly in the classroom is that, because of a whole host of other kinds of socioeconomic problems, a lot of those boards in the larger urban centres, both public and separate, are having to face different kinds of social and health-related issues.

Indeed, I wasn't here earlier today, but I understand the Minister of Community and Social Services was talking about a nutrition program that the government is going to bring forward, which, in part at least, is recognition of that problem and that issue, that school boards simply don't have the wherewithal to try to deal with that as well.

Those are all the kinds of questions that come up in terms of how we handle the issue of educational funding reform. What is it that we want the education system to fund? Are we looking to see whether there are things that really the Ministry of Community and Social Services, the Ministry of Health, the Ministry of Housing, the minister responsible for recreation ought to be doing that will take some pressure off the educational system? We haven't worked that one out. I don't know if we ever will, but again they're legitimate questions around where the dollar's going.

So often editorial writers like to note that we spend more money in Ontario on education than virtually any other area, but we have to recognize that a good part of those dollars are not necessarily being spent on education, but they still have to be spent for a variety of social and health issues. I think a lot of the boards are saying, "Look, if you want us to do that, then let's clarify the mandate and let's also make sure that the dollars are there."

The problems that I want to underline with the Education Act amendments in this Budget Measures Act go far beyond what is actually there. I think it would be very profitable for us to have discussion and to hear from the relevant players in the educational field, but where I think that, at the end of the day, there can be agreement in

going forward is to really put to the government that we can't stop here and we really can't go farther unless we involve the other players in a transparent process.

What I worry about with this change is that there are a lot of questions, worries, concerns. When I go out and talk with trustees or directors of education and officials with different boards, it's: "What do you think is happening? Where are we going? Is something else going to be coming?" I think we know what the problems are. We don't need a lot more study. I think the studies are there. What's needed next is for the government to put what are the options into committee, where we can have the kinds of hearings that are required.

Really, I would have hoped to try to have a reform system in place before that next election and I'm concerned that we're not going to get there despite the assurances in the last year or so from both the present minister and the previous minister that we were going to see a number of things, whether a draft bill or a white paper, on education reform.

I'm going to close my remarks by just underlining again that I think we have some real problems with omnibus bills of this nature. They simply do not allow us as legislators to really discuss the issues in a meaningful way. More importantly, they don't allow us, even over a short period of time, to bring in some of the organizations and individuals who are most affected, where we can get questions on the public record and get specific answers.

I just think the educational community in this instance is feeling somewhat shortchanged by the nature of the debate and its inability to really participate. I think that's too bad, because this could have been a useful discussion and a very necessary one. We may get some opportunity in committee to do some of that, but it's pretty clear that the government, with the exception, I guess, of the Unclaimed Intangible Property Act part, is going to persist in having this passed as one, and we'll have to deal with that.

To the government, let's get on with real education funding reform and let's try to get started before the mandate of this government runs out, because I just am very concerned that we're going to see, over the next 18 months to two years, too many boards that are facing an extremely difficult financial situation, if not bankruptcy. That is a much bigger problem than certainly the amendments proposed in Bill 160 are going to deal with.

1710

The Acting Speaker: Questions or comments to the member?

Mr Hope: To the member for York-Mackenzie, who I believe is very sincere in his comments around education and the socioeconomic issues that we're faced with in our community, I still have, to this day, a hard time. You talk to the general public about what a GLG stands for; they don't have a clue. It still puzzles my community why it costs more in other communities. We're the second-lowest in this province per capita, per pupil, and in my community they're asking, "Why should you pay more to other school boards who have been fiscally

irresponsible, providing them with more money, while we've been fiscally responsible?"

Shared busing was new to some people. It was years ago that we established that in our community. It really puzzles me that when we have this broader discussion that everybody talks about—I could be wrong with my numbers, but I believe about 85% goes into labour costs in the funding of school systems. It means 15% is used for other purposes. So why is there such an inconsistency from the lowest per capita, which is in my community, to the highest? I don't know if it's Metro or Ottawa or whoever is the highest. I believe that what we have to do is put a standardized fee in place which says it costs X amount of dollars to educate a child, and if you want to supersede that with extras, then there's a different way of getting revenues for that. It doesn't take a large, massive creative conversation to have it. That's very clear and direct.

The member talks about broader conversation out there about who gets what money. We must also remember that there are the Christian schools, people who pay property taxes that either go to the public or separate school and they have to pay the tuition fee; they have to pay for busing service for their children.

If we're talking about a broader conversation, it's not with this bill. The broader conversation has to take place with the wellbeing of our communities and the proper education of our children, whatever school system they provide. If we're to be open and honest with the taxpayers, what is the best value for our students?

The Acting Speaker: Further questions or comments to the member? Seeing none, the member for York-Mackenzie may wish to reply.

Mr Beer: To the member for Chatham-Kent, it's one of the points that both the member for London North and I were making, which is that those are very legitimate questions. We have been saying over the last couple of years that we're going to move towards real educational funding reform. Apart from some questions around the specific in this bill, we're saying it would appear that we've missed a real opportunity in this legislative session, from 1990 to 1994, to deal with those fundamental questions.

I recognize that it may have been difficult for the minister to put together a draft bill. I know he could have put together a white paper that would have dealt with all the issues you pointed out. You begin with a very good point, which is, why should it cost X where I am and yet it's Y somewhere else?

There are some answers to some of those questions, but they're ones that really do need responding to. We haven't, as a legislative body, really sat down and had that kind of discussion, and I don't think it has to be a long one because I think the studies have been done. What we're after is then making the changes to the system so that to the greatest extent possible, it is equitable. That, we all recognize, isn't right now, not just between separate and public; there are a variety of other areas where there are inequities. But in order to do that, the government has to show some leadership in saying: "We believe that these are the two or three or four

options. We want to deal with this. Get it to committee, bring it back and then as a Legislature we make those changes."

We could have and we ought to have done that prior to the next provincial election which, I'm assuming, will be in the spring. I don't see a recognition in the discussion to date that we're going to and I suspect this is the last thing we're going to see from the minister.

Mr Ted Arnott (Wellington): I'm pleased to rise on behalf of the people of Wellington this afternoon to provide a contribution with respect to second reading of Bill 160, which is before the House this afternoon. The Budget Measures Act is the short name of the bill put forward by the Minister of Finance which received first reading on May 18. This is an omnibus bill, as we've heard during the course of this debate, containing 18 different specific measures, amendments to various acts, some of them relating to Finance directly, some of them actually under the administration of other ministers.

It's a difficult bill for us to assess at this point, given that it's really only been on the Legislature's agenda for about a month now. Many of the constituents in our various communities who would want to make comments to us on this bill probably aren't able to do so at this time because they haven't had a chance to properly assess it. That has come out in the education portion of this debate. Our member for London North and the member for York-Mackenzie have expressed that concern with respect to school boards, because there is a substantial change to education funding in this bill.

Many of us have indicated in the past, and I've been one of them, that we support in principle the change to education funding so that it's more equitable between public and separate boards, but we feel there should be more opportunity for discussion of this so that we do the right thing, the thing that's in the best interest of all the kids. With the way this is proceeding this quickly and in this format, as an omnibus bill with quite a significant number of major changes, we may not get the chance to properly assess all the changes the bill presents.

It's also introduced late in the sitting. We've seen a practice now by the government over the last number of years of endeavouring to put some of the most difficult and important bills right towards the end of the session so that we're debating these bills, in many cases, as we've been this week, by sitting till midnight. I don't think that's really in the best interests of this Legislature, certainly as members of the opposition, in being able to properly debate issues that are important to people by doing it in this way.

In my opinion, the worst aspect of this bill is the \$50 corporate filing fee. I've been our small business advocate for our caucus for three years now, I suppose, and during the course of some extensive consultations that we undertook on behalf of our caucus through our Mike Harris task force on small business, we consistently heard from small business people that this \$50 corporate filing fee was an extreme nuisance at the very best, and that at worst there were literally some businesses that could not afford to pay.

Interjection.

Mr Arnott: The member opposite is chirping something. I can't hear her exactly. But there are some that cannot afford to pay that \$50, and haven't, as a result.

I have a letter here that I'd like to read, from a constituent who responded to the letter he received from the Ministry of Consumer and Commercial Relations demanding the fee. He has written back a very strong letter to Carol Kirsh, who is the director of the companies branch. He says:

"First, I do not appreciate being threatened by a civil servant whose salary I pay." He indicates that the letter he received was rather threatening in tone. "To say that failing to fill out the forms can 'have serious consequences' in a first letter is totally inappropriate and out of line. I have never failed to fill out any piece of paper demanded of me by the government and I resent your treating me as if I were some kind of a deadbeat."

He goes on to say:

"What I really can't believe is your gall in telling me I have to pay money to fill out yet more government paperwork. I run a small business alone. I put in long hours both working and looking for new business. I have no staff and have to fill out government forms myself. When you add up all the time I spend filling out retail sales tax forms, employer health tax forms, provincial and federal income tax forms, income tax and CPP deduction forms, GST forms etc, etc, etc, I spend an awful lot of time each year working for you and your federal colleagues. It's bad enough that this produces no income, interferes with my ability to provide good service to my clients, cuts into the time I have to look for new business and takes away from the time I want to spend with my family, but to make me pay for the privilege is beyond belief. I also cannot see how paying this fee adds any value to society in general other than perhaps keeping a bunch of civil servants employed. It certainly does nothing to get us out of this recession or to deal with the numerous problems we have in this province."

It's signed by Peter R. Douglas, Douglas Human Resources Systems Inc of RR 1, Erin, in Wellington county. I think this letter speaks for itself but I just want to add to it. It indicates one single proprietor's frustration with government in general, government forms in particular, and in this case the \$50 corporate filing fee, which I think we all understand in this House—I know the government members understand this as well, although they haven't directly admitted it—that it's just another tax grab, another opportunity for the government to take \$50. It's actually, in a way, the corporate minimum tax they talked about at the last election, because it does affect every single corporation across the province, small and large. I think it's an unfair tax on small business.

One of my constituents who is a lawyer in Mount Forest, Gil Deverell, has been bringing forward an initiative to try to bring some accountability to this government. He's making a case, and he makes a point, that the government did not have the statutory basis to even collect the special filing fee that they started collecting, the \$50 fee, in 1992, that they did it through regulation and that actually, according to the legislation, they didn't have the statutory authority to do it.

1720

He's taking the government to court to reclaim, I believe, \$100 on behalf of one of his clients, because he feels that the government had no authority to collect that fee. I wish him well and I give him a lot of credit for what he is doing, as a citizen of this province, to keep the government accountable.

I have another letter I'd like to read, just parts of it, from another constituent of mine protesting this \$50 corporate filing fee. It's from Pat Rafferty, who is an insurance broker in Fergus. He paid his \$50 corporate filing fee, but he's also written the minister, and he said:

"I am returning your special notice...and the \$50 fee under strong protest. I must conclude that this is nothing more than a blatant tax grab. The information on this corporation is consistently kept up to date and I have no objection to submitting more paperwork to your ministry. However, I strenuously object, given the heavy tax burden that your government is imposing on small business, combined with the absolute, total incompetence of your party's administration of government, to the additional \$50 fee."

He goes on to say:

"There are no great mysteries as to what needs to be done in the public administration of this province. What is lacking is the political will to carry out some unsavoury and unpopular steps. Obviously, you and your colleagues in the NDP do not have the insight, the discipline nor the will to implement those obvious steps that need to be taken. Rather, you simply add to the burden of an already overtaxed small business segment of our society."

Signed, "Patrick Rafferty."

I feel this is another direct indication of the government's policies overall, and this in particular, the nuisance that it provides for small business and the insensitivity of the government towards the needs of small business, that are frankly hurting our ability to create jobs in this province because it's contributing directly to concerns about whether or not the government is going to be there to support small business. People see it as an obstacle to job creation.

That's really the key issue for me, as the small business advocate for our party and representing the small business people in Wellington country and their employees. They're absolutely opposed to this \$50 corporate filing fee and, on that basis alone, I must indicate that I cannot support this bill.

But of course this bill is, as we said earlier, an omnibus bill which contains about 18 different provisions. Some aspects of the bill I support. I would give the government some measure of credit for the changes to the employer health tax that it announced in the budget, which was what we've been calling for since, I think, the Liberals introduced the employer health tax in 1989. We said it was a killer of jobs because it required businesses to pay the tax, irrespective of whether they were profitable or not; instead, just a direct tax on their payroll. We felt that would kill jobs over time.

I think that the government, with its change that it

announced in the budget, indicating that there's not going to be employer health tax charged on new employees who are hired, indicates that it finally recognizes the employer health tax is a silent killer of jobs.

We would ask them to go further, and we've urged them to go further for quite a number of years, actually. We've suggested that businesses with payrolls of under \$400,000 ought to be exempt, permanently, from the employer health tax. I would encourage the government to give consideration to that if we don't have an election this fall and they come forward with a spring budget. It would be in the public interest if they did that. Certainly I would think it would be in their own political interest if they did that too. But for me, it's more important to see good public policy and I would encourage them to at least review that option.

We have a number of other specific alternative policies that we put forward in our Common Sense Revolution and we continue to try to make people aware of that. I'm not going to go into detail with respect to all those provisions, but we do talk, very strongly and very succinctly, about eliminating the barriers to jobs creation. This \$50 corporate filing fee, I would submit, is one of those barriers to job creation.

With the omnibus nature of the bill, we can support some aspects of the bill. Unfortunately, because of the way the government has done this, bringing in a whole raft of measures in one budget bill, means that I can't support this bill.

The bill should go to committee, hopefully over the summer months. I'm not sure how many days of public hearings the government is prepared to allow, but there should be considerable public hearings on some of the aspects of this bill.

Also, it has come up during the course of this debate that the government is reviewing its initial changes to the Unclaimed Intangible Property Act and perhaps there's some chance it will allow amendments or will bring forward some of its own amendments to redress some of the problems with that.

I would give the government some credit for some of the specific provisions in this bill, but I must say that, primarily because of the \$50 corporate filing fee and the statutory basis that the government is seeking on this bill, I cannot support it.

The Acting Speaker: Questions or comments to the member?

Ms Haec: I want to take this opportunity—in fact, I thank the member for Wellington for this opportunity—to expand on my earlier remarks relating to the \$50 filing fee, because I have seen in this committee of which I am Chair that there are a lot of organizations, both for-profit and non-profit, which have not maintained their records with the Ministry of Consumer and Commercial Relations. As a result, they are obligated by the incorporations act to go through a lengthy process, at some cost to them. I have been told by someone that it can be somewhere in the nature of \$2,000 that this would cost an individual company to revive its incorporation.

I would actually put it to the member for Wellington,

knowing the many thousands of corporations that at this juncture have not maintained proper files—the Ministry of Consumer and Commercial Relations has made extraordinary efforts to try to contact the incorporating members to ascertain correct addresses and information that they require—how it is that he can stand in his place and make a statement that \$50, in comparison to \$2,000 or more, as well as opening itself up—a corporation that does not maintain its proper information—to a range of legal challenges and losing a range of tax provisions, tax benefits, is an extraordinary sum to provide that safety measure.

As well, I think he is well aware that there are many companies in this province, as well as citizens, who make use of the files that the ministry compiles, and the \$50 goes towards the computer maintenance of those files.

Mr Sutherland: I want to pick up on my colleague from St Catharines-Brock on the \$50 filing fee. I think she made the point very well in response to the member in terms of looking at \$50 compared to \$2,000 to have your company revived by going through the process in terms of having it printed. That may or may not include your legal costs of having a lawyer make sure that process is done appropriately.

Let us be clear. It's very important that this information be up to date. The reason is, of course, that this is the protection for that company to ensure that no one else is using their name etc, the types of protections associated with incorporation.

I know the member for Wellington doesn't like history lessons here, but I do think we need to go through again what has occurred. There used to be a filing fee in the province of Ontario. That filing fee was in place, I believe, to about 1976. The Tories decided to take it off. If you look at from the time the filing fee came off to now, you will see a deterioration of the quality of the files, of having information up to date etc. In other words, what occurred was we had neglect, on behalf of the Tories, to keep the filing system and the filing information up to date over that period. For whatever reason, the Liberals somehow didn't address it either.

Here we are in the 1990s, in the worst recession, in a very difficult financial time. We see a problem. We want to try to fix that problem in terms of getting that information so that companies don't have to go through revival, so that their corporate name is protected, the important things that they originally had paid for, may have paid for under the Tory government, but could not be assured that their names were being protected in the way they had originally paid for. We had to do that in a difficult financial time.

I understand no one likes paying more money or more fees for anything, but because of neglect in the past, we're trying to solve the problem. There are costs associated with that and we're trying to recoup those costs in a very difficult economic time for government revenues.

The Acting Speaker: Any further questions or comments to the member for Wellington? Seeing none, the member for Wellington has two minutes to respond.

1730

Mr Arnott: I feel really good that the New Democrats are cleaning up the files. They've had four years now to do it and the files hopefully will be all cleaned up when the new government comes in. But I must also add that we have to recognize that for all the rhetoric in defence of the \$50 corporate filing fee, the government does not have the statutory basis to be collecting this fee. They don't have the right to be collecting this fee. They've been collecting it for two years now and they've not had the statutory authority upon which to collect it.

The other point that has to be raised in response to the member for St Catharines-Brock and the member for Oxford is that they just assume that once the company has been dissolved they will automatically want it revived. If they couldn't afford the \$50 corporate filing fee—and I'm telling you, I've spoken to some small business people, single proprietors, who don't have \$50. To both the members who responded, I dare say there was a time in your lives when you didn't have an extra \$50 in your pocket. I know there were times in my life when I didn't have an extra \$50 to give to the government. So for them to make those statements is extremely insensitive to poor business people who can't afford the \$50. If they can't afford the \$50, they won't be spending the \$2,000 to reincorporate. So your argument with respect to what's going to happen to a lot of people I think is moot.

I also want to make one further point. You talk about the \$50 corporate filing fee. You're saying, I assume, that it costs you \$50 to maintain a file. If it costs you \$50 to open an envelope and cash the cheque and stick the file into a filing cabinet, I would submit to you that you'd be better off contracting that out to the private sector, because the private sector could maintain a file for less than \$50.

Ms Haec: It doesn't do the job, Ted.

The Acting Speaker: Order. The member has the floor.

Mr Arnott: One final point, too. If we're talking about user fees, why not charge the user fee on the people who want the service, who ask for the information? Charge them, don't charge the small business people who have to furnish the information.

The Acting Speaker: The member's time has expired. Further debate on Bill 160?

Mrs Elinor Caplan (Oriole): I particularly wanted to speak on Bill 160, because it's again an example of the kind of legislative package that causes me grave concern. While most people who watch these debates may not be interested in any particular piece of legislation, when you see a package of legislation like this which implements all the budget measures in an omnibus bill, I think it's our responsibility as legislators to try to alert the public to the provisions of this legislation. It's my hope that it will go to committee so that people can understand what exactly the government is attempting to do.

Anyone who read the name of this legislation would not understand what is contained in the package. I'm going to read you the name that's printed as the title of

the bill: An Act to amend certain Acts to provide for certain Measures referred to in the 1993 Budget and for other Measures referred to in the 1994 Budget and to make amendments to the Health Insurance Act respecting the Collection and Disclosure of Personal Information.

When I saw the title of this act, I was concerned, because I believe that for people to understand and respect democracy, openness, clarity is extremely important. I'm concerned because this bill is not clear. People look at this and they have no idea of what it contains.

A priority for me, for my caucus and for my leader in Ontario at this time is job creation. We know that job creation has been a theme of the Treasurer's budgets, the NDP budgets, for the last three years, and we know when we look at Bill 160, there's nothing in here that would suggest an economic strategy to revive the private sector and see job creation.

I'd like to share with you the comments of May 5 of the Scotiabank newsletter, what it had to say about the Ontario budget. Since Bill 160 implements the budget initiatives, I think it's most appropriate that this quote be on the record at this time. I'm not going to quote the whole bulletin, just take one portion out of it that deals with what the economic analysis of the Scotiabank says. I think it's very pertinent to our discussion of Bill 160. They say:

"Job creation has been the dominant theme of the last three Ontario budgets. The government estimates that its initiatives have created or supported an average of 145,000 jobs since 1991, yet Ontario has suffered a net loss of roughly 200,000 jobs over this period, the sharpest slide of any province."

That quote I think is extremely important because it attests to the concerns of the people of this province, and those concerns are not addressed in Bill 160.

Many of my constituents in the riding of Oriole have lost their jobs and many, many are concerned about whether their job is going to be impacted, whether they're going to have a job or whether they're going to find themselves out of work.

While we see that the economy of the province, hopefully, has turned the corner, while we see that we're starting to make some very slow progress in terms of economic recovery, the one thing we know is that this is effectively a jobless recovery. Those 200,000 jobs that Ontario has lost are reflected in the fact that there is an unprecedentedly high number of individuals, persons who are out of work, who do not have a job and who want to work. There are 650,000 people, many of them living in the riding of Oriole, all of them in the province of Ontario, without jobs, and Bill 160 does not give them any hope.

When I look at some of the specific provisions included in Bill 160, it really does make me wonder whether this government understands that the people of this province need a government that's going to lead us to economic prosperity by instilling confidence: confidence in the private sector to invest in Ontario, confidence in the private sector to stimulate the economy through its confidence, and confidence of the consumers

who are going to purchase products and services in the province of Ontario.

What does this Budget Measures Act include? Changes to the Co-operative Corporations Act, changes to the Corporations Information Act—and we've heard some debate, as we come out of this recession, about how very important it is to clean up our files and charge an annual fee of \$50 to every corporation in the province.

Let me tell you something. It's my opinion that you could make that argument for a one-time \$50 fee and a one-time requirement to send in data and information. In fact, when the NDP did that last year, the business community responded: They sent in their corporate updated information, they sent in their \$50 filing fee. You know what? Nobody liked it, but they realized it was important for the records of the province to be updated. But everybody knows this \$50 annual requirement to send in information even though no changes have occurred, and send your \$50 cheque along with it, is not only a terrible burden and annoyance—primarily an annoyance—to the private sector in this province, but it is totally and completely unnecessary and seen by them as a tax grab. I have to tell you, I agree with them.

I don't believe businesses in this province should have to go to the effort of sending in each year their corporate director information if there has been no change. I think they should have an obligation if there have been changes to send in that information, and I believe that on a user-pay basis those files should be maintained. But I think this is a make-work project for bureaucrats. I don't believe that doing this every year on an ongoing and annual basis—getting people to fill out forms, getting them to send in the forms, having an army of bureaucrats check the forms and throw out the ones where there's no change, and charge everybody \$50 or \$8 million—is the way to do business in Ontario, and certainly it's a very bad example for the government to set. It's a bad signal and a bad message to send out to the private sector, particularly at this time when they are suffering and struggling with the results of the worst economic downturn and recession that this province has experienced in decades.

We've listened to the business community, we've heard what they had to say. We've heard them say that perhaps every five or 10 years it might be a reasonable request, but it certainly is not reasonable to demand this on an annual basis, and that's one of the provisions contained in Bill 160.

1740

Is that going to create jobs? I can tell you it's not going to create one job in the private sector. Is it going to kill jobs? It could well put some businesses out of business if their corporation is not registered and if they give up. We know it's not just the \$50; it is the symbol. How many corporations are going to be deregistered? We heard from the Minister of Consumer and Corporate Affairs that 80% have come in, but we know there are hundreds of thousands of small corporations in this province, and I would suggest to you that every initiative of the government should be focused on job creation in the private sector.

You should be doing nothing to create a barrier to that kind of private sector job creation. You should be doing nothing to add to the regulatory burden of the private sector. I'm proud to say that Lyn McLeod has announced that a Liberal government would repeal the \$50 filing fee and would not require annual requirements. That is one of the reasons I feel that Bill 160 cannot be and will not be supported.

Let me tell you about another provision in the bill that I think is deserving of debate, I think is extremely important. Unfortunately, when it's put into a piece of legislation that has the Crown Timber Act amendments, the Game and Fish Act amendments, the Financial Administration Act, Labour Sponsored Venture Capital Corporations Act, Loan and Trust Corporations Act, home ownership act, Public Lands Act, Retail Sales Tax Act, Provincial Offences Act, Small Business Development Corporations Act, Unclaimed Intangible Property Act, the Ontario Public Service Employees' Union Pension Act, all of these acts, there are amendments to these acts contained in this legislation.

There are a couple here that I believe require full public debate, because many people have expressed concerns about the public policy direction or the public policy implication of some of the things contained in Bill 160, and people don't know about it. It's not in the title, and you haven't had the opportunity for that kind of discussion and debate, even though some of them may be worthy. It's my view, and I've said it before in this House, that if people are going to respect democracy, if they're going to respect legislation, if they're going to comply with legislation, they have to (1) know it's happening, (2) feel they've had an opportunity to participate, and (3) feel they have had their say and been listened to.

I know there are many differing views on the changes to the Education Act which are requiring the pooling of assessment among coterminous boards. There are many who support this and there are many who have some concerns about what the implications of this are going to be.

I think everyone believes we want to have the best educational outcomes for our children right across the province. I think everyone agrees that there must be as much funding equity as we can possibly achieve, given the wide variations and differences and the different needs across this province. But to include that kind of provision in an omnibus piece of legislation that doesn't even refer to it on the front cover, in a way which breeds cynicism and scepticism, in my view, avoids a debate that should be open, participatory and, hopefully, consensus building, so that people will respect the decisions as we move forward in these areas, which are often very sensitive.

There's another one I'd like to refer to, because while I share the objectives I have some concerns about how it's being implemented. The changes to the employer health tax sound very good. What it says is that businesses that increase their payroll will not have to see an increase in their employer health tax. The objective of that is to see new jobs created, but the concern I have is that we may not see jobs created as a result of payroll increases. There's no accountability in this legislation to

tell people or let you know how many jobs are being created.

We know there's a figure that says for every \$40,000 you take out of the economy in the form of taxation, fees and that sort of thing, you kills jobs. That's when I made the point about the \$50 filing fee. That's about \$8 million in total revenue that's going to be taken out of the economy. Using that projection, you can see that this filing fee will result potentially overall, in the macro-economic environment of Ontario, in fewer jobs.

I guess you could argue the opposite, that with the employer health tax provisions of this legislation, in fact you're going to leave more money in the hands of corporations and therefore you will get net job increases. The point I would make on that is that because this is company-specific—I'm sure they will be pleased to have the relief, and as I say, I'm generally supportive of the direction—because this is a policy which has been brought forward to this House as a job creation initiative, I would like to know how we can be certain that jobs will be created as opposed to simply seeing wage increases. I know the difficulties in attempting to figure that out. I'm not suggesting that I want all kinds of additional red tape to do it, but while I support the policy objective of this initiative, I am concerned about how they're implementing the provision in order to achieve their objective.

That's a theme you've heard from me on numerous occasions as we have looked at policies of the NDP. I've stood here and I've said, "In principle, I quite like that policy; however, it's impossible to see it implemented," that the implementation is ideologically driven or it is inefficient or it just doesn't make sense. I've actually sometimes said that "what they're doing is just dumb."

In this one, and I know the officials are listening, I do have a real concern about the implications of how this is going to administratively produce stimulus for job creation in the private sector. So I'll be watching for that very carefully. Hopefully, we will see that it does work.

I was asked recently what advice I would give to the government.

Mr David Tilson (Dufferin-Peel): Tell them to resign.

Mrs Caplan: My colleague says the best advice would be to ask them to resign. I think at this point that's not likely to happen. As a realistic optimist, I believe we have to deal with reality as it faces us.

We have given the government numerous advice over the last almost four years now. What bothers me is that daily I hear members from the government benches say, "Well, what would you do?" or "What advice would you give us?" I'm sad to report that we keep giving them advice and they keep refusing to take any of the good ideas or advice.

The frustration for me is that I believe the advice that's given in some of the very important policy work we've done—I know the advice in the Liberal minority report that was given to the Treasurer before the budget was not listened to, or the Getting Ontario Working Again document, which has some very specific advice and initiatives

to the province and to the provincial Treasurer, well-meaning, thoughtful; we worked very hard on these—the province, the Treasurer, the Rae government seem to ignore.

That's sad, because I think the people of the province want legislators to be able to work together and to listen to each other. So as we debate legislation such as Bill 160, it's with sadness that I stand in this House and say that there are days in opposition when I'm just very frustrated because I suspect that no one is listening. Perhaps as I express that frustration, maybe there will be a time when they will be willing to listen, and hopefully that will be at committee.

I've actually found that frequently at committee members of the opposition have been able to put forward ideas and suggestions that have been listened to by the government. Whether they actually listen here during the debates in the House or not, I have to tell you I'm not optimistic about the fact that they do. But I've had some experience at committee which suggests to me that if this piece of legislation were fully debated and available for review at committee, we might be able to impress upon the government some of the public policy arguments that it should consider as we try to reverse the trend in Ontario, and that is of leading rather than following. Ontario has always been, for many decades, a leader in this country, and it has saddened me to see us following other provinces.

1750

It seems to me that we have a lot of work to do. It would be best if we could try and work together in the interests of the people of the province of Ontario. I'm not going to be supporting Bill 160, because I do not support the various specific taxation provisions. The advice of the Liberal minority report to the finance committee said, "Do not raise any taxes." While there is contained in here some minimal tax relief, overall we know that there's nothing in this legislation which really creates an environment for jobs to be created. There's no strategic plan or vision in this document that deals with the issue of fiscal policy.

There are a number of issues on which, if you required a vote in principle, particularly the \$50 filing fee and the way the government is burdening small business and not allowing business to breathe and get on with doing what we all want it to do, which is job creation, in light of the policy direction of Bill 160, I'm going to have to vote in opposition to this legislation on behalf of my constituents in the riding of Oriole.

As I conclude this debate, I would urge the government again, and I said this before, when you bring in omnibus legislation, please try to make sure that omnibus legislation is either housekeeping or does not contain any significant public policy initiatives that would require a separate piece of legislation. Since that is contained in this, and we see some very significant policy initiatives buried inside Bill 160, I believe the public is not being well served by the way you have brought this legislation forward.

Thank you for allowing me to participate in this debate, Mr Speaker.

The Speaker (Hon David Warner): I thank the honourable member for Oriole for her presentation in the debate and invite any questions and/or comments. Seeing none, is there further debate?

Mr Tilson: It is a pleasure to participate in the debate with respect to Bill 160, which is the Budget Measures Act.

Bill 160, as has been said before, is an omnibus budget bill which gives many of us great concern because there are portions of the bill that I and the members of the Progressive Conservative Party support, yet we are opposed to most of the provisions. I can tell you that because of the fact that you have put these different bills into one bill, we will be opposing the bill as well.

This omnibus bill implements measures proposed in the 1994 budget, where the Treasurer of course said, "No new taxes," and deals with a number of other matters continuing from Bill 89, which arises out of the 1993 budget. Some of these matters go back over a year.

Bill 160 consists of 18 parts and amends 17 different statutes. It's interesting that today, as we debate Bill 160, this is the day in the province of Ontario that is tax freedom day. This is the day that we stop paying the government and whatever we keep now, up until this point, up until June 16, all of our money has been going to the province and the federal government and the municipal governments to pay our taxes. We've been working all this time, up until June 16, to pay the various governments.

This of course is based on the calculations of the Fraser Institute which bases its information on all I was going to say miserable, but all measurable taxes paid, from federal and provincial income taxes to municipal taxes, all taxes, and so these calculations aren't based strictly on provincial taxes; they're based on all taxes. But the province has played a major role in arriving at this specific date. As has been pointed out by the Fraser Institute, the situation would be dramatically worse if governments were not borrowing huge amounts of money to pay the interest on the debt that is accumulating.

All of this boils back to the tremendous debt that this government has incurred upon this province since it has taken office, and the deficit, according to the Treasurer, is \$8.5 billion, although others calculate, with all the funny bookkeeping entries, that it's probably over \$11 billion. The debt of the province is over \$90 billion, an astounding amount of money, an astounding amount of interest that has to be paid. If we weren't paying that interest, it would probably be the end of July that tax freedom day were to take place.

I know that's not really a relevant issue with respect to this particular bill, but in a way it is, because it takes this bill, which is a tax bill, which is levying taxes on the province of Ontario to pay many of the things that we are obliged to pay, specifically the tremendous interest that we have to pay on the debt and the deficit.

The major provisions of the bill are a number of things, and many of them have been stated by different members in this place. I only intend to speak on a few of them, but there is the statutory basis for the annual

corporate filing fee, and this is the fee of course that has created an amazing amount of controversy around this province. In fact, it all surfaced back in 1992. I remember asking the Minister of Consumer and Commercial Relations questions during estimates on this very topic. It started off as some sort of one-shot fee, and now of course it has developed into an annual fee of \$50 for private enterprise and I think \$25 for charitable organizations.

The second is essentially the topic of pooling, which is the change in the method of allocating education property taxes paid by public and private sector corporations between coterminous, public and separate boards, and that's of course a very controversial topic. The Conservative Party supports the principle of pooling, which is equity. I think we all believe that all of our students in this province should be treated equally and should receive the same amount of funding. This provision won't take place until 1996, and the problem of course is the public boards are living in absolute fear. They don't know where all this money that they have had, and which is going to go over to the separate system, where they're going to get the future funds, and that, in turn, will affect I suppose the general education of this province, and that's another topic that I'd like to spend some time on.

There's the provision for a one-year employer health tax holiday for new hires or people who are employed for the first time for a corporation. I intend to spend some time on that.

There are a number of other items which I will not discuss, because time doesn't permit it. One of course is the retail sales tax exemption for the delivery charges under the so-called dirt tax. We all remember, not this past budget but the budget of 1993, the headline, I think it was in the Toronto Sun, that said, "My Goodness, They're Even Taxing Dirt." And they are still taxing dirt. I think when the Treasurer first read his budget this year, we were all of the impression, "Oh, he's taking the tax off dirt," and he's not taking the tax off dirt; he's taking the tax off the delivery charges.

1800

I've spoken to a number of aggregate people and they tell me that the government has never really collected this tax anyway. The reason they haven't collected it is because they couldn't figure out how to administer it. The people in the treasury were simply going crazy trying to figure out how to administer it. So, because they can't administer it, they're taking it off.

It's not as if the Treasurer is trying to give a break to the aggregate industry or anyone who's involved in aggregates or dirt; it's simply because they couldn't figure out how to administer it. They didn't think it up before they taxed it in the first place.

There are a couple of other items with respect to implementing the terms of an agreement between OPSEU and the government on asset-splitting and contribution holidays and other matters involved in the creation of a new OPSEU pension plan. I won't have time to discuss that.

Dealing with a summary of the annual corporate filing

fee—and I can't believe that all members in this place haven't had someone in their constituency call up and say, "What in the world is going on with respect to this fee?" They simply don't understand it.

Part II of Bill 160 amends the Corporations Information Act. My friend from Wellington stood up just before me and talked about how there's a lawyer in his riding who is bringing action against the government with respect to the collection of the fee at the outset, the one-time shot. I expect, with due credit to him—his name is Mr Guil Deverell—that the reason he is acting for that individual is because they simply didn't have the authority. Of course, this bill will now give the authority to the government to correct it. I must say that the government was going on its merry way, charging a \$50 fee it had legally no right to do.

In any event, part II of the Corporations Information Act is amended to require all corporations in Ontario to file an annual return. This same provision was included in Bill 29 and Bill 81.

The fee isn't specified in the bill, although we're all paying it now. We all know what it is: It's \$50 for private corporations and \$25 for charities—if you can imagine, a \$25 fee to charitable corporations, considering the wonderful work they do in this province. We're going to charge them a \$25 annual fee.

There's no question that the regulations, which I doubt have even been written—that's the usual in this place; you pass the bill first; then you enact a number of regulations which generally expand on the bill substantially—will likely enable the \$50 charge fee which has been imposed and collected for the last two years. The government is now passing a piece of legislation to legalize something it's been doing for the past two years.

There's no provision for the dedication of revenues from the fee to the ministry for use in improving services. The Minister of Consumer and Commercial Relations—during estimates and in this place, I've asked a number of questions; the member for Parry Sound has asked a number of questions—says, "We're having this wonderful computer system."

We have a lot of chit-chat going on here, Mr Speaker. I know you're listening to me, but I doubt if they are.

The Speaker: Order.

Mr Tilson: There's no provision for the dedication of revenues from the fee to the ministry for use in improving services. I expect the Minister of Consumer and Commercial Relations has consistently stood in her place and said, "We're going to have computers and it's going to improve the system." I can tell you, it's a tax grab, and I'll be talking a little bit more about that later.

The Progressive Conservative Party has been consistently opposed to the filing fee in our questions in this House, in the Legislature, as well as in questions to the minister in committee, particularly the estimates and other places, as well as writing the minister. She has insisted on proceeding with this fee, notwithstanding I can't believe the overwhelming amount of letters and telephone calls that she personally has received saying that it doesn't make sense to put forward this fee.

The Education Act amendments: Currently, property taxes paid by publicly traded share capital corporations and non-share capital corporations in the public sector are divided between coterminous public and separate boards under a formula introduced during the Liberal regime in 1989. Under that 1989 formula, property taxes are allocated between the separate boards and the public boards on the same ratio as the division between the boards of residential and farm assessments. This funding system is in the final stages of a five-year phase-in.

Part III of Bill 160, which is before us today, will amend the Education Act and five other statutes to change this method of apportionment over a three-year phase-in starting in 1996. This government's going to be gone by the time this whole issue will come to a head, as will a lot of other issues in this government. The NDP will be gone. They'll be history before this and other provisions will come into effect.

Mr Sutherland: Starting to get arrogant over there.

Mr Tilson: Well, I'm sorry, but just look at the facts and you're history.

The new method will apportion the assessment between the boards on the basis of enrolment. Enrolment is to be defined in regulations to the act but will likely not make allowance for such things as continuing education programs, and that's very important. Continuing education is an important aspect of our educational system and yet it is doubtful that allowance will be made for that.

When fully implemented, the new formula will result in a loss of assessment to the public boards of \$160 million which, because of compensating grant offsets provided, will translate into a net loss of \$60 million. That gives a lot of concern to the public school boards as to where they're going to find this money. They're operating on a system now—and I know the government members will stand up and talk about how the public school system is wasting funds and they're doing a bad job, but the fact of the matter is, there's going to be a whole pile of money that they have had and, because of this principle, they won't have. That's got to have an effect on the quality of education. Metro boards, of course, which are in a negative grant position, won't receive any compensatory offset if the current conditions persist.

The second issue I wanted to spend some time on is the employer health tax, which I believe was Bill 110, which we have debated and I think passed in this Legislature. We support this principle because certainly it's a small step in the right direction. I think it's a direction that shows that the principle of this system of funding health isn't working and the employer health tax is not a solution to solving our health crisis in this province.

Part V of Bill 160 implements the 1994 budget proposal, and that means there will be a one-year employer health tax holiday for new hires and for startups. The tax is calculated, as has been said in the House, on the total payroll as opposed to the number of employees. The exemption will also affect pay increases. However, given the low level of wage settlements, this is not considered to be a significant factor; in other words, it's smoke and mirrors. It's just a suggestion by the Treasurer that

there's going to be a great increase in jobs as a result of this measure, and I can tell you that anyone who looks to the wage settlements that are going on in this province and the number of new employees who are going on in this province—this isn't going to really help.

This measure of the Treasurer of the NDP government will cost \$200 million in fiscal 1994-95 and \$295 million in a full year. The government—and I don't know where they get these calculations; I honestly don't. They say this measure will create an additional 12,000 jobs. Well, good luck. I look forward to seeing the stats at the end as to whether or not this specific provision with respect to the employer health tax will create 12,000 jobs. It really amazes me how they can come up with these calculations.

I could spend a considerable amount of time on the rest of the provisions but time precludes me from doing that. With respect to the corporation filing program—and that's the one that I must say many members of this place have the greatest aversity to—a question was to put to the Minister of Consumer and Commercial Relations back on June 8 by the member for Parry Sound and it had to deal with a speech that was made in the first debate, I suppose, of a forthcoming election, whenever that will be, between the leaders of the three parties.

1810

Mr Robert V. Callahan (Brampton South): September 10.

Mr Tilson: Well, who knows? But this was a debate sponsored by the Canadian Manufacturers' Association and Premier Rae at that time stated that "The corporate filing fee is a responsible user fee concept and that this charge is in line with what it costs to provide the service." The fee is \$50 for profit corporations and \$25 for non-profit corporations, for charities.

This was a question that was asked of Mr Daniels, an assistant deputy minister, during the estimates committee on November 3, 1992. That's how long this has been going on. He was asked the question as to how much this levy actually costs the Ministry of Consumer and Commercial Relations to administer this service. This is what Mr Daniels said. He was asked this exact question and he revealed that the corporate filing fee would generate an income to the province of some \$10 million a year and that the cost to the ministry to file these fees and send them out was \$2 million a year.

Therefore the province, the Treasurer, has just got a profit from the small business people in this province, from the charities, of \$8 million. So, some justification. All you've done is simply make a profit of \$8 million on the backs of the small businesses and people who are trying to make a living in this province, as well as the charities of this province who are doing wonderful things, and you have the gall to charge an annual fee of \$25 a year. All of this is going to make a profit to you, for many of your goofy programs, of \$8 million a year.

All of that is simply not satisfactory. I have received a considerable number of telephone calls, as have many of you, telephone calls and letters on this very subject, simply trying to find out more information.

Mr Mammoliti: How many?

Mr Tilson: I can tell you, loads. I haven't counted them. The member asked how many, and I bet he's had as many as, if not more than, I have, in his riding. If he sits there and says he has had none, well, I question what he's doing.

I will tell you that there are corporations in this province, private corporations that simply, because of the recession, because of bad times, are letting their corporations sit. They are not making any revenue. They're sitting waiting for better times. Or they are barely moving; they are barely surviving. Yet those corporations are going to have to pay a \$50-a-year annual filing fee. It doesn't make an iota of sense.

Mr Deverell has been mentioned, that he has commenced a lawsuit, and I suppose it's going to continue because this has been going on for two years. This whole process has been going on for two years, of collecting \$25 from charity corporations and \$50 from small corporations, and he is proceeding with his lawsuit. I don't know what the effect is going to be.

One of the letters that I received is dated almost a year ago. It came from an individual in Caledon. He wrote a letter to the Minister of Consumer and Commercial Relations and he said—I'd like to read portions of it because it really will express in a concise form as to what my concern is.

"On behalf of my company I recently remitted to your ministry a form 1 special filing along with the \$50 filing fee, as newly compelled by the Corporations Information Act. I am writing to you now to strenuously object to this legislation and these new requirements for the following reasons." And he gives four of them.

The first one is: "Since there have been no changes in my corporate public record, there is no need to update the computer database or to make work in this manner." He's saying there's no changes, and the information that is there doesn't need to be changed, and yet he's going to have to pay \$50 to tell the government that there's been no change.

Secondly, he says that, "Since the reason given for the accurate maintenance of your database is so that it may be 'searched by...businesses, consumers, investors, lawyers, the media and many government agencies,'" he says—and this has been said by the member for Wellington and other members in their debate in this House—"I feel the costs of providing such information should be borne by those who benefit from the access. The costs should not now be put on my corporation since I am not entitled to a share of the fees charged to those accessing the information." He's not entitled to any portion of the \$8-million profit that you people are going to be receiving. He says that anyone who wants this information, why shouldn't they have to pay the fee? If it's calculated to a certain amount, why shouldn't those people who want the information have to pay the fee? Why should he have to pay the fee? It is not benefiting him one iota.

If you're talking about a user fee, as the Premier's talked about, the user fee is being charged to the person who owns the corporation, not to the people who are

seeking the information. I don't understand it, nor does he.

Thirdly, he says: "Since the \$50 now remitted to you can no longer be spent on such things as office supplies, capital equipment or salaries, those who otherwise would have received the moneys are now suffering that loss. Business closures, layoffs, deferred hiring and a general slowdown in business activity are the cumulative effect and logical consequence of this and other such legislation."

Hon Bud Wildman (Minister of Environment and Energy and Minister Responsible for Native Affairs): Of 50 bucks?

Mr Tilson: I don't imagine that there are going to be statistics, in answer to the Minister of Environment and Energy, that say that this specific tax of \$50 is going to lay people off or to close businesses down, but if you add this to all the other taxes and all the wonderful fees that you're charging in this province, that cumulative effect that I spoke of about today being tax freedom day is the thing that's driving people under, that's driving people to move to other countries, to other jurisdictions and is causing the unemployment in this province. It's those cumulative effects that are causing the problem in this province.

Hon Mr Wildman: If you count in our health insurance, we've got lower taxes than they have in the United States.

Mr Tilson: Oh, give me a break. The taxes in this province are worse than in any other jurisdiction in North America.

Interjections.

Mr Tilson: Fourthly—

Interjections.

The Speaker: Order. The member for Dufferin-Peel has the floor.

Mr Tilson: Fourthly, he says: "I genuinely feel that this measure is nothing short of legalized extortion. If I wish to stay in business in Ontario, I must pay up. It may not be as brutal as 'knee-capping,' but it is every bit as immoral. The philosophy which permits such laws to—

Interjection.

Mr Tilson: Well, this is from a letter from my constituent and I have every right to read it, and you just sit in your place and be quiet.

He says, "The philosophy which permits such laws to come into existence is further diminishing the already low esteem earned by politicians and governments." And that's the sort of thing. You know why people don't trust you? Because you put something like this forward saying that it is trying to cost for the user fees that the Premier says and in fact it's to make a profit of \$8 million.

Hon Mr Wildman: Profit?

Mr Tilson: A profit. That's what your assistant deputy minister said during estimates.

There is another letter that I received from Shelburne, another municipality in my riding, in which he wanted to express his concerns. He had received the quote of the Minister of Consumer and Commercial Relations where

she justified doing this strange thing, and he says, "These could be easily updated by putting on the records the information from my yearly corporation tax returns, which I make." He says: "Why do you have to do it this way? Why do you have to charge someone 50 bucks, or 25 bucks if you're a charity, to do it? Aren't there other ways? I mean, we're sending all kinds of forms off to you people on a continuous basis. Why do we have to have another form and pay another fee? Why do you have to do that?" It's a good observation. He, as well, can't understand why he's being charged a fee.

1820

I had another letter with respect to this which I'd like to read, and these are just a sample of some of the letters that I've received. The writer is from Caledon, and she says:

"Another tax to businesses in our province. Your latest hidden tax, in the form of a 'special notice' to ensure that...basic information is accurate, is outrageous.

"The new \$50 tax on all businesses and a \$25 tax on not-for-profit organizations is totally unacceptable.

"How much more do you think the business community can withstand before you have complete collapse? And charging charities as well—one can only cringe at your rationale.

"Was it too much to ask your department to request this information from other departments where the information is already on file annually?"

She's saying the same thing as the last person. In other words, you've already got this information on all your fancy computers that you've got over there, and yet you're buying another fancy computer and you're going to charge people \$50 or \$25, depending on where you are.

She finishes off and says, "What are the costs of collecting this"—well, we now know that it's roughly \$10 million and the actual costs are only \$2 million, so the profit is \$8 million—"new tax—including the costs of documentation, the billing and enforcement of delinquent businesses, the bilingual Helpline and the staff? Is there a net gain expected?" Yes. To the writer of this letter, it's an \$8-million profit. So that's what she says.

Another letter came from Hospice Caledon: "As treasurer of Hospice Caledon, a non-profit agency, I want to express our outrage at your ministry suddenly inflicting this new hidden tax on all businesses and non-profit organizations.

"Corporate public records are available from other offices within the provincial ministries."

So they're all saying the same thing: "You've already got the information; why are you ripping us off for another \$25 to \$50?"

The treasurer of Hospice Caledon says: "Corporate public records are available from other offices within the provincial ministries. The responsibility of reporting this basic corporate information to your ministry should not be a financial burden to charities and other organizations.

"If, in fact, your ministry requires the information directly, rather than requesting it internally, you could

request the information. But instead, you have chosen to impose a hidden tax in the guise of completing corporate records."

Have you ever seen these records? You know, it's a very simple document, and yet it's going to cost \$50—\$50. It doesn't make any sense.

"And, to top it off," the treasurer of Hospice Caledon says, "you have inflicted your hidden tax on 'non-profit' organizations who are struggling to meet the needs in their community...." And I can tell you, she is right. Everyone who's involved with a charity knows how tough it is to raise funds to do the wonderful things that they're doing in our respective communities, and you have the gall to charge these people \$25 annually.

She says, "And, to top it off, you have inflicted your hidden tax on 'non-profit' organizations who are struggling to meet the needs in their community, so that more services are not required by your government departments, causing further costs to the taxpayers." That expresses that concern.

My time has expired. I would have liked to have spent much more time with respect to the topic of pooling, which is a very controversial issue on the troublesome issue of providing education in this province. I too hope that this subject, the subject of pooling, and some of the other matters that are being raised in this bill will be sent to a committee because I think that we need to hear from the public. We need to hear from all sides on this issue and not simply ram this omnibus bill with a whole slew of issues through this House in the way it's being done.

The Speaker: I thank the honourable member for Dufferin-Peel for his contribution to the debate and invite any questions and/or comments.

Mr Callahan: I've listened intently to this. I think a revelation was made in the House the other day—I think it was in response to a question—that all of the civil service was asked to look at innovative ways of grabbing revenue.

I happened to be out at an MTHA house the other night on Dundas Street: 5005 Dundas Street in Etobicoke. These people have had a raise in their hydro. They've had a five-year raise in their rates. I looked at one of the financial statements of one of these seniors. There's no way they can pay it. This is supposed to be rent-geared-to-income. So in this voracious attempt to try to plug the hole of all of the moneys that have gone out in wacko schemes, they are in fact hurting seniors. They're hurting programs that were supposed to help these people.

They figure that all seniors are rich cats. Well, there was an executive from the seniors' association who said something like 65% of the seniors in this province make under \$10,000. That's the poverty line. Six per cent make over \$30,000. If this government really feels concerned about seniors who are on a fixed income, then they should stop trying to find ways, or leaving it to the civil service to find ways, to simply come up with money without determining whether or not it's fair.

I also tell you the health employer tax that you people have now reduced to one person—the Attorney General's present in the House—you're going to find that some-

body's going to challenge that because you don't have the constitutional authority under the BNA act to tax indirectly. You can tax directly but not indirectly. Somebody is going to challenge that, and all of this money you thought you had, you won't have.

The Speaker: Further questions and/or comments. Seeing none, the honourable member for Dufferin-Peel has up to two minutes for his reply.

Mr Tilson: I guess all I can respond to the member from Brampton is that I emphasize that today is tax freedom day. All I know is that the people in this province have seen all the taxes they want. Taxes and fees. There's just no justification for some of the things that are being put forward in this bill. The province is in dire straits, and yes, you can't accept all the blame for that but you can accept a lot of the blame. You can accept a lot of the blame through this bill, Bill 160.

I don't think, whether we're talking about the issue with respect to the corporate filing fees or the whole topic of pooling, which we need to discuss—we need to hear some statistics. The only place that we can do that—we can't do it in this place. The whole topic of pooling, for example, we need to go to committee. I hope that this bill will go to committee and we can hear from the public and we can hear some statistics on the effects of pooling on our educational system; whether it be the separate system or the public system. We need to have that information to properly understand how Bill 160, on that topic alone, is going to affect our educational system. It cries out for public consultation.

The consultation that has gone on to date is inadequate, and I encourage—this bill is certainly going to carry on second reading, because you have the votes for that—all members of this place, before it goes any further, to go to committee, where we can hear from members of the public to talk on particularly those two items that I spent my time on: the corporate filing fee—and I can guarantee you, there'll be all kinds of people who will want to committee and talk about that—and, more importantly, the issue with respect to pooling in education. You need to provide statistics, and you haven't done that to date.

The Speaker: Is there further debate? If not, the honourable member for Oxford has an opportunity to conclude.

Mr Sutherland: I just want to make a few remarks to say that we did have a very comprehensive debate on many of the topics raised. The bill does have quite a few things in it. It has a lot of good job creation initiatives in it in terms of access to capital.

One point I just want to clarify. The member for Etobicoke West is not here, but I did commit to him what, in this debate, I would try and clarify with him, and that was regarding the change in this bill regarding delivery charges on sand and gravel and dirt. The reason we're making the change, despite what the member for Dufferin-Peel said in his comments, is because there was a bit of an unfairness. If you own a sand and gravel pit, if you own the aggregate and you deliver it, you have to pay the sales tax if you charge for the delivery of that. If you're an individual contractor just doing delivery, you don't have to charge the sales tax. That was creating a lot

of unfairness out there between companies that actually own sand and gravel and had been delivering it and those that were only contracting, particularly with respect to contracts with municipalities. That is the rationale on why we changed that.

If you go and buy a piece of furniture from a furniture shop and they deliver it and they charge you a delivery charge, they have to assess the sales tax. But if someone else comes and picks it up as a contractor just to deliver it, they don't have to pay the sales tax.

I think we've had a very good and lengthy debate. I appreciate the members' comments. As I say, I think there are a lot of good things in this bill that will help create jobs and continue the economic prosperity that is growing in Ontario.

The Speaker: The member for Oxford, in the absence of the Minister of Finance, has moved second reading of Bill 160. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members; a 30-minute bell.

The division bells rang from 1829 to 1835.

The Speaker: Would all members please take their seats.

Mr Sutherland, in the absence of Mr Laughren, has moved second reading of Bill 160.

All those in favour of the motion will please rise one by one.

Ayes

Boyd, Carter, Charlton, Churley, Duignan, Farnan, Fletcher, Frankford, Gigantes, Haeck, Haslam, Hope, Jamison, Kormos, Lankin, Lessard, MacKinnon, Malkowski, Mammoliti, Marchese, Mathysen, Mills, Morrow, O'Connor, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Sutherland, Waters, Wessinger, White, Wildman, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wood.

The Speaker: All those opposed to Mr Sutherland's motion will please rise one by one.

Nays

Arnott, Beer, Bradley, Callahan, Caplan, Curling, Eddy, Elston, Eves, Harnick, Henderson, Johnson (Don Mills), Jordan, McLean, Sterling, Tilson, Turnbull.

The Speaker: The ayes being 37 and the nays 17, I declare the motion carried.

Shall the bill be ordered for third reading? Committee of the whole? The question is whether the bill shall be ordered to the finance committee. There are 12; so ordered. The bill is ordered to the finance committee.

MEMBER'S COMMENTS

Mr Ernie L. Eves (Parry Sound): On a point of order, Mr Speaker: Earlier today the member for Downsview indicated to this House and questioned some statements that the member for Nipissing, the leader of our party, made earlier. He said, if I'm not mistaken, that the member for Nipissing had said that children in this

province were starving. I believe that is his word. I would like to inform the House, having Instant Hansard in my hand, that that is an untruthful and incorrect statement, and before I read what the leader said, I will give the member for Downsview the opportunity to retract an incorrect statement.

The Speaker (Hon David Warner): To the member for Parry Sound, first, I appreciate the fact that he withdrew the unparliamentary remarks. The member for Downsview rose on a point of order, which I addressed and informed him that he did not have a point of order. The member for Parry Sound has raised the matter and, as is our custom, the member for Downsview has an opportunity to correct the record, if he feels that he wishes to do so.

Mr Anthony Perruzza (Downsview): What I will do is I will go get Instant Hansard and I will read both for the Speaker and for all of the caucus members of the Progressive Conservative Party just what the leader of the—

The Speaker: No. Would the member for Downsview please take his seat.

Mr Perruzza: —to starve for the last four years. He crossed the line.

The Speaker: I caution the member to please take his seat. Orders of the day.

Mr David Turnbull (York Mills): You lied. You lied. You lied.

Interjections.

The Speaker: Order.

Mrs Elinor Caplan (Oriole): What a way to get out of House duty.

Mr Murray J. Elston (Bruce): Don't throw him out. It is more punishment to make him stay.

The Speaker: It may be greater punishment to stay, I realize, but the member for York Mills has used unparliamentary language, and I would ask that he now withdraw the unparliamentary words.

Mr Turnbull: I suppose what we're talking about here is, as Winston Churchill said, a terminological inexactitude. The member across the floor doesn't have the guts to retract something—

The Speaker: Order. The member for York Mills, it's very simple and straightforward. I asked the member to simply withdraw the unparliamentary remarks. I ask him to now withdraw.

Mr Turnbull: I certainly wish that the member for Downsview will withdraw—of course I will withdraw. Mr Speaker, it's not—

The Speaker: Will the member take his seat, please. Orders of the day.

Hon Brian A. Charlton (Government House Leader): Before I call the next order, there are a number of things that the House leaders have discussed that we should get on to the record so that there are no mishaps in terms of process for the rest of this evening.

Firstly, I'll be calling the 40th order. The House leaders have agreed, so we seek the consent of the House

to ensure that if the second reading debate on Bill 163 should be completed this evening, we will deem that a division has occurred and the vote will be deferred until Monday after routine proceedings.

Secondly, the Conservative Party, the third party, wishes to split their opening remarks for two critics, so that will be 45 minutes each, one now and one later.

Thirdly, in order to accommodate members' presence here, the Minister of Municipal Affairs will lead off the debate, we will skip the Liberal caucus and go directly to the first of the opening remarks from the Conservative caucus because the member has to leave, and then the rotation will come to the Liberals for their opening remarks before it returns here.

The Speaker: Agreed? Agreed.

Mr Eves: On a point of privilege, Mr Speaker: I'm sure the member for Downsview would like to correct the record. I happen to have Instant Hansard, and in fact the member for Nipissing said, and I quote—

The Speaker: The member for Parry Sound, no. This matter has been dealt with. Would the member please take his seat.

Mr Eves: "There's no excuse for the fact that thousands of children in this province have been going to school hungry because some members of your government"—

The Speaker: I ask the House leader of the third party to take his seat.

Mr Eves: That doesn't say starve. Withdraw.

Mr Perruzza: Why don't you read the entire thing?

The Speaker: Would the member for Downsview please come to order. The matter has been dealt with.

PLANNING AND MUNICIPAL STATUTE LAW AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT DES LOIS EN CE QUI CONCERNE L'AMÉNAGEMENT DU TERRITOIRE ET LES MUNICIPALITÉS

Mr Philip moved second reading of the following bill:

Bill 163, An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes relating to planning and municipal matters / *Projet de loi 163, Loi révisant la Loi sur la planification et l'aménagement du territoire de l'Ontario, la Loi sur les conflits d'intérêts municipaux, et modifiant la Loi sur l'aménagement du territoire et la Loi sur les municipalités et modifiant d'autres lois touchant des questions relatives à l'aménagement et aux municipalités.*

The Speaker (Hon David Warner): Does the minister have any opening remarks?

Hon Ed Philip (Minister of Municipal Affairs): I rise to present for second reading Bill 163, the Planning and Municipal Statute Law Amendment Act, an act to amend the Planning Act, to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Municipal Act and other complementary legislation.

The proposed revisions and amendments contained in

this legislation represent fundamental reform to the current land use planning process. As Jim Rusk of the Globe and Mail put it, this is the first major reworking of the planning system since the Second World War.

Our objective in putting forth these reforms is to create a planning system that meets the needs of the community, the economy and the environment. This will benefit everyone in Ontario.

The proposed legislative changes are one part of the package of reforms. This package also contains administrative changes and a set of policy statements that clearly state provincial expectations for planning.

The four main features or underlying themes of this package we have proposed are streamlining the development process so that jobs can be created; providing stronger protection for the environment; giving more responsibility to municipalities and planning boards for the development process; and making local government more accountable.

The reforms we are proposing are long overdue. John Sewell, in his Commission on Planning and Development Reform, found the province's land use system is cumbersome and complicated. In addition, people across the province told him that the development decisions take far too long.

We cannot continue to support a costly and inefficient land use planning system. The impact of the delayed decisions costs millions of dollars in delayed economic activity and potential employment.

I'm also pleased to say that stakeholder groups have agreed to help us work out practical details of implementing our new land use planning system.

Provincial facilitator Dale Martin is heading up a 12-member task force of municipal leaders, developers, builders and environmental groups, who will help ensure there is a smooth transition to the new planning system across the province. The task force will also advise on education and training requirements for people who will be involved in the planning system.

The reform package we've introduced has received support from a wide variety of interests and I'll quote only a few:

Mabel Dougherty, president of the Association of Municipalities of Ontario, said:

"We are pleased to see the emphasis the government has placed on streamlining the planning process and clarifying the roles and the division of responsibility between the province and municipalities. The government has indicated that it recognizes the diversity of municipal interests and conditions across Ontario and has made a commitment to speak through a comprehensive set of policy statements when addressing land use matters."

Ron Clark, senior planning consultant for Essiambre, Philips and Desjardins Associates Ltd in Ottawa, was quoted on CBC Radio as saying: "We are optimistic that some of the changes that the government is proposing will have some positive benefits on the industry at large." I've spoken to many in the development industry and indeed the trade union movement that is involved in that industry who have similar sentiments.

Kathy Cooper, whom most of you in this Legislature will know, researcher with the Canadian Environmental Law Association, said in a news release:

"We're in the cheering section on this one. The provincial government has a responsibility for protecting the public interest and the environment. The establishment of a comprehensive set of provincial land use policies is a long overdue step towards the exercise of that responsibility."

Last but certainly not least, the Toronto Star said in an editorial, "The NDP deserves credit for moving to implement the Sewell commission's sensible suggestions."

The changes that we have proposed to the Planning Act include a number of measures to facilitate the decision-making process. Under the new legislation municipal and provincial decision-makers will make decisions within specified time frames.

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In the official plan amendment process, for example, there used to be no limit to the time an applicant could be caught up in the planning system. In the new system, the approval authority will have five months at most to make its decision. After that, the matter may be appealed to the Ontario Municipal Board.

The role of the Ontario Municipal Board is also fundamental to a streamlined planning system. In the current system, the OMB must resolve disputes over minor variances, things such as porch construction and changes inside yards. Under the proposed legislation amendments, the decision of the municipal council on minor variances will be final. This means that the OMB will be able to concentrate its attention and resources on larger issues.

The OMB will also have expanded powers to dismiss appeals without a hearing where concerns are without planning merit. The system will favour cooperative resolution of disputes so that local councils will be able to resolve them before they enter the system and create delays that are in no one's best interests.

The new Ontario Planning and Development Act which we have proposed will provide for a much more effective provincial planning tool. It will also shorten the process for creating and amending provincial plans, such as the parkway belt west plan. The current process for amending such plans is extremely costly and lengthy. The shortened process will still allow ample opportunity for public input while protecting the areas of provincial interest.

I'm proud to say that in addition to the legislative changes we have proposed, we have already made significant progress in streamlining the planning system by implementing a number of administrative changes within the ministry. For example, we have taken concerted action to reduce planning application backlogs.

As lead planning ministry, our ministry, the Ministry of Municipal Affairs, has begun to take a stronger role as an adviser and provider of information on planning matters. This approach makes it possible for critical issues and potential disputes to be addressed before the application is made rather than have us second-guessing the municipalities at a later stage.

We are also testing various ways to circulate applications among different review agencies for comment in a much more efficient way. We call this the one-window approach under the current system. For example, 80% of the applications received by the ministry for official plan amendments were sent to as many as 18 ministries for review. This will be reduced significantly under our proposals, and to speed up the process of amendments to the parkway belt west plan, we have established a pool of hearing officers who will be available on short notice to conduct hearings on proposed amendments to the plan. These are just some of the ways we've already begun to make the planning system in this province more user-friendly and more efficient. There are others, of course, at various stages of testing or implementation.

In addition to the inefficiencies in the current planning system, there is also the fear that it simply does not have the teeth to protect the environment. I am pleased to say that environmentally sound development will be promoted through the planning reforms we are proposing. This will happen by means of amendments to the Planning Act, the Ontario Planning and Development Act and the Municipal Act. For example, municipalities will have permissive power to control site alterations, even when there is no specific development application.

Provincial environmental priorities have also been clearly articulated in the comprehensive set of policy statements that I mentioned earlier. They protect water quality and quantity, they preclude development in wetlands and in extremely sensitive natural heritage features and permit a limited amount of development in other natural heritage areas. The policy statements have been released and will come into effect when the legislation is proclaimed. Proposed amendments to the Planning Act will require that planning decisions are consistent with these policy statements.

We are also proposing to give municipalities greater control of the development process. One of the main reasons Ontario's planning process has become so complex and time-consuming is that different levels of government have approval powers over plans and developments.

We believe that the proposed legislative amendments giving municipalities greater control over the development process will address this problem. By defining more clearly the role of regional municipalities and approving development applications, for example, we hope that the legislation will help to avoid some of the unnecessary duplication.

We believe that Ontario municipalities have the capabilities and the strengths to plan well. While the government is taking a leadership role in establishing planning policies for the province, we also believe that these policies can best be interpreted by those who are affected by them: the people who live in the cities, towns and rural areas of Ontario.

In this context, our provincial government will set broad policy direction, municipal governments will make development decisions and the Ontario Municipal Board will adjudicate any disputes.

With greater responsibility and flexibility in planning

delegated to local government, it is essential that local accountability also be strengthened. The package of reforms called Open Local Government will ensure that the new municipal planning powers are exercised in an open and accountable way. This will be done through legislative changes regarding open meetings, conflict of interest and disposal of property.

Our goal is to enhance the confidence of local residents in the integrity of the local government by making the operation of local government more transparent.

The proposed legislative amendments require that all municipal meetings be open to the public. Closed meetings will only be tolerated to discuss such concerns as personnel matters, security of property and litigation. This particular provision applies to municipal councils and most local boards. School boards, library boards and police services boards are not covered by this provision because they already have their own legislation setting out the requirements for open meetings. In a sense, what we're doing in this is catching up at the municipal level.

In addition, we have introduced new rules concerning conflict of interest, with additional disclosure requirements. This provision will apply to all members of municipal councils, school boards, police villages and public utilities commissions.

The purpose of conflict-of-interest legislation since it was first introduced in 1972 has been to allow more people to get involved in local government as elected officials. It gives them a mechanism to withdraw from debate and decision-making about issues in which they have a personal financial interest.

A new enforcement process has also been introduced through a local government disclosure commissioner. This should remove the financial burden of enforcement from an individual.

We have listened to local government officials in the design of this package. Some of the aspects of the original draft legislation which would have provided an unnecessary intrusion into the privacy of local representatives have been removed from the final package. Our disclosure requirements are simple and easy to follow for elected representatives and the public alike. They are no more onerous than the requirements for ourselves as MPPs.

To ensure that disposal of property is done fairly and openly, a set procedure that municipalities must follow has been set out in the legislation. When wanting to dispose of property, councils and local boards must publicly declare the land is surplus at an open meeting, they must obtain a fair market appraisal and, finally, they must provide a notice of the sale. These rules are to be set out in the procedural bylaws of the municipality.

We have taken care to provide for more public access to the public process. Provision has been made to allow more direct appeals on development applications and to separate the public meeting on municipal official plans from the adoption of the plan in 30 days.

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The legislation before you to reform Ontario's land use planning system and to ensure open, transparent govern-

ment is the culmination of more than three years' work by hundreds of dedicated people. I would like to thank in particular John Sewell and his task force members Toby Vigod and George Penfold for the intelligence, compassion, long hours and hard work that they put into their commission report. The people of the province owe them a debt of gratitude.

I also want to thank the conflict-of-interest consultation committee and the provincial-municipal working group for their work on the open local government reform package. Furthermore, I want to thank all the individuals and groups who participated in the extensive consultations that were undertaken over the past few years.

Finally, I want to thank the staff of my ministry, the Ministry of Municipal Affairs, for their diligence in moving forward on our new vision of planning and reform in Ontario. This is the third ministry I've been associated with, and I have been constantly impressed by their professionalism, by their dedication and the amount of time they are willing to spend on what they very strongly believe is the most significant reform we have had in Municipal Affairs in many, many years.

I'll be happy to participate in this debate as it moves along. We have developed in this legislation a consensus. There are very few pieces of legislation that can get the support of the environmental movement, the development movement, the municipalities and the provincial government, as well as, of course, ratepayers' groups and various citizen groups.

I think that accomplishment is something for which John Sewell and his commission deserve an awful lot of credit. The kind of flexibility, the kinds of changes we have made as a result of the hearings and as a result of further input I think show that we have listened to the public of Ontario, we've listened to the various interests and we have a package that is supported by all of the stakeholders.

I would urge members of all parties to join all of those stakeholders in supporting what I think is very, very important legislation in the reforms we are presenting today.

The Speaker: I thank the minister for his introductory remarks and invite any questions and/or comments.

Mr Pat Hayes (Essex-Kent): I certainly want to compliment the Minister of Municipal Affairs.

Interjection.

Mr Hayes: They don't want me to say how nice you are, Ed. He actually is a very nice fellow.

I'd like to point out that the remarks the minister has made certainly clear the air and remove a lot of barriers from local municipalities, developers, ratepayers. It certainly brings me back to when I was in municipal politics. I wish we'd had the kind of legislation the minister's talking about today, especially with the open local government. He also mentioned going through so many different ministries, if someone wanted to rezone a piece of property, wanted to develop a piece of property, the frustrations they'd go through and the money they had to spend to get there—and sometimes not get there; after going through five or six ministries, to find out that

their project didn't qualify or meet the criteria.

That's simply due to the fact that often in the past ministries didn't have the kinds of policies that are needed. Sometimes after you met certain criteria, they'd come back to you and say, "You've got to meet some more conditions." This piece of legislation will certainly take some of those barriers away.

I too would like to compliment the staff of Municipal Affairs, who have certainly worked very hard and diligently on getting this forward at the request of the Minister of Municipal Affairs. Once again, I'd like to compliment the minister and all the people who have been responsible for putting this piece of legislation together.

Mr Ron Eddy (Brant-Haldimand): I certainly agree with the minister that this is very important legislation. Indeed, it's several pieces of legislation, really, because it's an omnibus bill.

There's certainly no doubt that people have been wanting changes and wanting the act streamlined and speeded up. I just found out today that the township of Metcalfe, which passed an official plan October 2, 1989, received partial approval on January 3, 1993. That's a rural township with one small hamlet not wishing to have development. There have been some problems there, and it really should never go on that long. I certainly have experience with applications for subdivision, and the time has been interminably long to get final approval.

To get OMB hearings, I believe, has been the main delay. It's had a very adverse effect on development in Ontario and it's indeed a shame, to the point where there have been developments lost. There have been developers who came forward, even industrial developers, who gave up and said, "It's not worth the long battle, the cost, and it's just out of the question," and walked away from what could have been very important developments.

Although we disagree with the minister on some very basic ingredients of some of the act, we realize the importance of getting on with some streamlining and speeding up of processes.

Mr Drummond White (Durham Centre): I wish to add my congratulations to the minister, along with my friend from the opposition and of course my friend from western Ontario.

These are very important developments in our province. This is a process which has taken a long time to get to. It is a reflection of an open and thorough process, a thorough commission, substantive reports, substantive adoptions, substantive consultations at this point, and of course I imagine this summer we will have some consultations, some open hearings in regard to this legislation.

We're coming to the end of a lengthy and very thorough and important process, one which makes the planning process accessible and understandable to the people of Ontario and makes it a comprehensible and understandable, accessible process, something which in the past has not been the case. People have felt stymied time and time again. They don't know where we as a government are: What is the provincial interest in planning? How do we interrelate? This bill will make provincial interest

comprehensible understandable and accessible to the people of Ontario. It will reinforce the principles of integrity and openness in local government. These are important and essential issues that our minister has put forth in a cogent way. It is worthwhile for all of us to examine this legislation, to look at its merits and also to express our concerns about what has happened in the past and what we want to see in the future with this legislation.

I think this is a historic day, to open up the second reading debate and of course the hearings that will occur over the summer. I look forward to hearing those comments and to the minister's continuing participation.

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Mr Larry O'Connor (Durham-York): I appreciate the opportunity to comment briefly on my friend and colleague the Minister of Municipal Affairs. As we went into this process of taking a look at the Planning Act and Mr Sewell took it across the province and was trying to reach consensus, I have to tell you that quite honestly there were times when it was a little bit rocky.

I represent rural Ontario, and there were some statements made that really did get the dander up out there in the rural parts, that that's the end of all septic beds and everything else, and it was rather confusing and a little bit exciting and it was an interesting road, but the further we walked down that road and we started talking to people, the more the consensus came about.

On June 2 this year, I had the opportunity to bring in the Premier and the Minister of Agriculture, and it pulled a lot of the rural folks from my area—folks involved with agriculture, a of couple municipal people, one of the mayors and one of the regional chairs were there—and one of the things they talked about was the need for changes to the Planning Act. They're going to be excited to know that we're actually moving down that road. It was a little bit exciting at times when we first started going down that road.

One thing that really does add to the cost of development is when things get needlessly sent for referral to the board, and the costs add up and then of course, for the person who ultimately ends up buying something down the road, that's where the costs end up being. It's needless.

Having some clear, concise roles and rules is going to be really good, and people are going to look forward to that and they're going to be glad that, "Here are the rules and here's what you've got to play by." People are going to be more comfortable with it.

We're just about to put the final touches on the official plan for York region, and the regional chair there is looking forward to knowing that this is how the rules are going, that this is how you have to play, and for the folks out there who have concerns about development to know that there are some set-in-stone guidelines, so I appreciate the opportunity the minister has put before us in debating this and going out to hearings.

The Speaker: The Minister of Municipal Affairs has up to two minutes for his reply.

Hon Mr Philip: I thank the members for their rather

constructive statements. In reverse order, the member for Durham-York talked about the need for flexibility and the fact that John Sewell and his commission did listen to the diversity of Ontario.

When I saw the first report, having been elected in 1975 when I was director of leadership training for the Ontario Federation of Agriculture, I was quite concerned and have continued to have a concern about the differences between rural areas and urban areas, and indeed the differences between north and south and east and west in this province, and the changes that we've seen, not just in the second report of Sewell but also in the changes that we've made and that are supported by John Sewell, having had a further consultation.

The member for Durham Centre talks about the need for having clear divisions of powers, and indeed in talking to AMO, the Association of Municipalities of Ontario, it saw this as a key to the success of this, that people are tired of falling over one level of government over another, and indeed over ministries. I'd like to say a little bit more about how we're streamlining that process later on perhaps.

My honourable critic from the Liberal Party talked about the tremendous length of time it takes for a municipality, and the frustration when they want to develop an official plan and it takes so much time to do that.

What this legislation is doing and what we're moving our troops, our tremendously talented staff people into doing, is that this will release them to work in a facilitator role and assist municipalities to develop their official plans, rather than second-guess them here in Queen's Park.

The member for Essex-Kent has talked about how streamlining will be passed on to the consumer and I agree. I have such admiration for him that I hope he will speak again so that I can say a few of the nice things about him and his work and his assistance to me in developing this legislation.

Mr Allan K. McLean (Simcoe East): I welcome the opportunity to comment on Bill 163, the Planning and Municipal Statute Law Amendment Act. We've looked at and I've reviewed the legislation totally, through 101 pages. There are many things in that legislation that are good. There are many things in there that the local municipalities have been looking for, not knowing fully how they're probably going to be implemented yet, but there are many flaws in it.

There's an article in the paper that I saw in the Municipal World. It says: "New Planning for Ontario is flawed, says MaKuch. 'A major goal of planning is to encourage economic growth and the creation of prosperity in our society,' said Stan Makuch. 'What the Sewell commission's final report does in fact is to restrict, control and limit this wealth creation and growth.'"

Makuch, a Toronto-based lawyer with the firm of Borden and Elliot, and George Penfold, one of the commissioners for the Commission on Planning and Development Reform in Ontario, were addressing a workshop in 1993 at the annual conference of the Association of Municipal Clerks and Treasurers of Ontario. According

to Makuch, the commission's final report does not address the most serious issues facing Ontario and the economy.

While Penfold agreed that an economic development strategy is necessary for the province, he did not believe that it belongs in the Planning Act. He goes on and says, "New Planning for Ontario has failed to recognize the limits to planning and the need for innovation and flexibility."

That member is in the same law firm as one of the commissioners who was involved in the very issue of travelling the province.

The minister's rush to judgement with this extremely complex and seriously flawed piece of legislation, in the minds of many, has left the membership of AMO, ROMA and NOMA, as well as me, wondering why you are pushing forward so quickly and not giving these organizations adequate time to properly review and respond to the many concerns and reservations they have with your tilted vision of how planning should work in Ontario.

Just what is the minister's hidden agenda? What is the minister trying to hide in this complex and convoluted 101-page omnibus bill?

The government's Minister of Municipal Affairs we believe has fumbled the process right from the beginning, because this government wasted more than \$2 million and allowed the Sewell commission to wander around the province for two years reviewing the planning and development process.

When they left and in the first month or two were travelling this province, they were not really sure what a septic system was. They were not really sure what rural Ontario was all about. When you send three people from the city to do a review of planning in Ontario, it certainly left a lot to be desired.

Then you imposed an unrealistic deadline on the municipalities and you demanded that they respond to your policy statements and consultation paper within 90 days. Now you have rushed Bill 163 for second reading—it was just introduced in the Legislature last month on May 18—so you can send it out. We want it to go to public hearings for the summer and we want those people to have some input, those very people who should have had input before the 90 days were up.

I've said it before, Minister, and I'll say it again, the direction in your agenda clearly shows that your ministry has very little regard for the concerns of Ontario municipalities and the people who reside within them.

You have an obligation to step back and let these organizations, such as ROMA, AMO and NOMA, have some say. NOMA is the Northwestern Ontario Municipal Association, for some of those people who don't know, AMO is the Association of Municipalities of Ontario and ROMA is the Rural Ontario Municipal Association. They needed the appropriate time to review this very complex piece of legislation, which they didn't.

You refuse to do that. You resist giving us any breathing space. You really should delay the public hearings for some period of time, but apparently you have no regard or respect for the democratic process and we're now

forced to deal with this massive and complex bill today without adequate time to give it the in-depth scrutiny that it deserves.

With respect to Bill 163, the Planning and Municipal Statute Law Amendment Act, the government's amendments are based on the final recommendations of the Commission on Planning and Development Reform which were announced on June 6, 1991, by the then Minister of Municipal Affairs, Dave Cooke. John Sewell, the former mayor of Toronto, was appointed as chairman; George Penfold and Toby Vigod were appointed as commissioners.

The Sewell commission's mandate was to restore confidence in the integrity of the planning process, make the system more efficient, protect the environment, reduce red tape and clearly define municipal and provincial powers.

The NDP was reacting to the scandals which erupted in the 1980s during the great land boom in Ontario. Premier Rae, then Leader of the Opposition, attacked the corruption and conflict of interest between private developers and local municipal councils. The planning process was singled out by the NDP as a major cause.

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It should be noted that the Sewell commission itself was attacked on many fronts. Many people, myself included, believed that the Sewell commission simply could not recognize that the rural communities of Ontario have concerns that are distinct from those of urban Ontario. The Sewell commission could not see the importance of government policies taking these differences into account. The Sewell commission and this Minister of Municipal Affairs have failed to come to grips with the differing economic and social problems of rural and urban Ontario, especially with the issues of planning, resource development and the environment.

Sewell put forward 98 recommendations to address the above concerns after extensive public consultation. The commission identified several areas of concern, including too much red tape—we agree with that—delays in hearings and decision-making, lack of environmental protection, and too much complexity.

AMO established five principles in the first submission to the Sewell commission which it used as guiding principles for assessing the commission's proposals: accountability, increased municipal decision-making authority, limitations on appeal and review, sufficient public consultation and timely decision-making.

Did the Sewell commission live up to these five principles? I would suggest not. AMO continued to have many concerns with the implications of the recommendations for planning in Ontario and, in particular, the erosion of municipal decision-making that the recommendations collectively suggested.

AMO believed that the significant concerns and positions put forward in response to the commission's draft report were not adequately addressed. In many cases, AMO disagreed with the commission's rationale for its decision to take positions contrary to those supported by AMO and the municipalities.

AMO, a non-profit organization with a membership of approximately 700 of Ontario's 830 municipal governments, believed that the provincial government wanted to wipe out local decision-making authority and accountability; that the provincial government wanted further slowdowns in the planning process; and that the provincial government wanted significant additional financial resources, without a clear idea of the benefits and improvements which would derive from this investment.

I agree with AMO's main areas of concern, which are related to provincial policies that still continue to contain too much detail and go far beyond areas of provincial interest.

I believe my colleague and the former PC caucus critic for Municipal Affairs, Mr Bill Murdoch, the MPP for Grey-Owen Sound, said it best when he called the draft report of the Sewell commission a complete waste of time and taxpayers' money and will spell the ruin of rural Ontario. He said the entire exercise was a farce that could only be seen as an excuse to give John Sewell something to do.

Mr Murdoch said it appeared that the government wanted us to believe it was giving municipalities the responsibility for our own planning, but this was not really the case. The government wanted to issue its rigid orders and local councils will have to roll up their sleeves and do its dirty work.

The Sewell commission recommended the government and a provincially appointed planning commission develop a set of land policy statements. We were concerned that this committee would be stacked with special interest groups that would write the rules, with little or no input from municipal officials.

Clearly, this government did not want to recognize that local politicians were elected to represent the people. I believe that if members of special interest groups feel so strongly about the planning process, they should seek elected office, rather than trying to ram their views through in a less democratic process.

But AMO and members of my party were not the only ones with concerns about the Sewell commission's recommendations. Reaction from interest groups:

The Ontario Home Builders' Association said it feared that restrictions on the development of farm land could affect the cost of houses for consumers. OHBA president Phil McColeman questioned where the industry would be allowed to build new dwellings. Such terms as "compact" and "significant" are not defined in the report. Severe limitations would be placed upon urban and rural building.

Rural counties with agricultural properties within their boundaries objected to the proposal to ban or severely restrict land severances. As many farmers cannot make a living off the land, especially in the case of the tenderfruit farmers of the Niagara Peninsula, they see selling off portions of their land for development as a viable economic alternative to farming.

The minister mentioned in his remarks about Kathy Cooper of the Canadian Environmental Law Association. She agrees with the report in principle but worries that

the government may not commit to legislating the changes. So he said yes, clearly she was in the cheering section, but he didn't read the rest of it, that she was concerned with regard to the legislative changes.

The Ontario Real Estate Association stated that the Sewell commission may achieve the exact opposite to what it has set out to accomplish. It recognizes that urban intensification can result in more efficient use of infrastructure, but points out that it can also lead to crowding, increasing crime and intensified pollution. As well, OREA pointed out that individual property rights are diminished as a result of the commission.

Then we look at the Ontario Public School Boards' Association. They argue that school boards should be able to prevent new development from proceeding if school facilities are not available. The commission rejected these submissions.

Morley Kells of UDI said of Sewell's support for intensification: "That's well and good, but nothing else out there supports intensification. There needs to be a lot more done by the provincial government and municipalities before intensification has any chance of being a reality."

In December 1993, the Minister of Municipal Affairs announced the government's response to the commission's work and published several proposed policy statements for a 90-day consultation period. On May 18, 1994, the government introduced Bill 163, the Planning and Municipal Statute Law Amendment Act. The municipal conflict-of-interest legislation was also an integral part of the NDP's approach to land reform policy. In 1991, the municipal conflict-of-interest consultation committee was struck to review existing legislation about open meetings, conflict of interest and disclosure.

The government responded to the committee with its own proposals for reform entitled Open Local Government in December 1991. A municipal-provincial working group was then set up to study the issues and to write proposals. The group reported to the government in 1993. The Minister of Municipal Affairs stated that the new legislation reflected a "fundamentally different vision of how planning should work."

The minister also stated that the reform package was based on three fundamental principles: Municipalities will be given greater control over the development process; environmental, social, cultural and economic values will be enshrined in the legislation; and red tape will be cut to help facilitate job creation in the construction industry.

Bill 163 is an omnibus bill composed of five parts. This includes amending and repeal provisions to existing statutes and two schedules setting out the provisions of two revised acts.

Part I: The Ontario Planning and Development Act, 1990, is repealed and replaced with a new one entitled the Ontario Planning and Development Act, 1994. The new act contains 14 schedules designed to simplify and streamline the planning and the amendment process.

The Parkway Belt Planning and Development Act is repealed as well, but the parkway belt west plan is continued under the new Planning Act.

The government expects that this new planning act will be much more streamlined. The former act required the minister to create advisory committees but did not require public consultations. The new legislation makes public consultations mandatory and eliminates the committee system. I want to read that again. The new legislation makes public consultations mandatory and eliminates the committee system.

The government also believes the new act will be easier to amend, less costly and less time-consuming. The minister is authorized to approve amendments to the plan, instead of the Lieutenant Governor in Council after receiving a ministerial recommendation. It's the minister now who does it, not the Lieutenant Governor in Council.

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Other aspects of the new act are similar to the old one, including the provision that zoning bylaws and the official plan must conform with provincial development plans. The development plan will also prevail over any official plans and zoning bylaws which are not in conformity.

The new act offers the possibility of financial assistance to municipalities or planning boards to assist in the implementation of a provincial development plan.

Part II: This part of the bill replaces the Municipal Conflict of Interest Act of 1990 with the Local Government Disclosure of Interest Act of 1994. There are 24 sections in this legislation. Many of the old provisions of the bill are carried over into the new legislation.

However, there are several important additions.

Elected local government officials must disclose assets, liabilities and sources of income.

There are new procedures for the disclosure of pecuniary interests by all local government representatives.

There is also the requirement to limit the receipt of, and requiring disclosure of, gifts and benefits received by members.

The use of confidential information will be restricted and a public register of all disclosures should be maintained.

A provincial disclosure of interest commissioner will be appointed and the office will have the power to investigate allegations.

Elected officials must list the existence of assets and liabilities but not their values. These lists must be updated yearly and they must be open to the public.

Part III: The Planning Act amendments are included here. The amendments are aimed at streamlining the planning system and giving more local control over the development process. Environmental protection is a major element in this amendment package.

The planning reform amendments cover a wide range of NDP social, economic and environmental goals at the local level, including provisions dealing with health, education, cultural and recreational facilities, employment opportunities and the appropriate location of growth and development.

It should be noted that a major thrust of the act is the requirement that all planning decisions under the legisla-

tion "shall be consistent with" the provincial policy statements. That is what we want to know, what those provincial policy statements are going to be.

Municipal planning authorities will be created to draft an official plan for the areas which do not have one. Members will be appointed by the council of each local municipality. Councils of two or more municipalities in one or more counties will be able to set up planning authorities.

All regions, metropolitan/district municipalities, prescribed counties, separated municipalities, cities in territorial districts and planning boards must prepare an official plan.

All municipal plans must conform to the provincial regulations and environmental principles. We want to know what those provincial policy statements are and what the regulations and the environmental principles are, because those are the main things of this streamlining process the government's in.

Streamlining provisions include the following:

Deadlines have been incorporated for decision-makers reviewing planning and development applications and modifying the referral system for official plans/amendments to the Ontario Municipal Board.

An appeal system will be established for subdivision and consent approvals with the OMB.

Approval authorities will be able to refuse incomplete applications and return them without further consideration.

Approval authorities will have the right to refuse referral requests, and the OMB can dismiss referral requests or appeals without hearings.

The OMB will not be responsible for appeals of minor variance decisions. Municipal councils will have the final say on minor variances and their applications.

Mediation and conciliation will be added as a provision to reduce the number of planning disputes going to the OMB.

We talk about those minor variances. There's something a little more to that, because I believe there's a little thing called an environmental impact study that's probably going to be part of this environmental statement that's going to be made. If you want a minor variance or you want to put a verandah on your property, you will probably have to have a consultant or somebody do an environmental impact study for you.

Part IV: This portion of the bill contains amendments to the Municipal Act to create more open local government.

All meetings of local councils and most local boards will be open, with a limited number of exceptions. In camera meetings will be allowed only to discuss the security of property, property acquisition, personnel matters, litigation and to receive genuine legal advice. That's very little different from what we've had in the past; I think it's pretty well much the same.

Procedural bylaws for the holding of public meetings will be mandatory for all councils and most boards.

Procedural bylaws will also be necessary for the dis-

posal of real estate. Minimum standards for the disposal of municipal real property must also be met. School boards are not included in these provisions. I often wonder what's going to be in this Planning Act with regard to locating septic systems for school boards in rural Ontario, which mostly have been cut off, that I know of.

Municipalities must maintain an inventory of properties, they must declare land surpluses and appraisals must be obtained. I can tell you that in some of the municipalities I'm familiar with there are all kinds of surplus lands, all kinds of parks that have been established when they give the 5% to establish a subdivision, all kinds of properties. Are all the municipalities now going to have to go and have an appraisal obtained on all this land that is declared surplus?

Discretionary powers will be given to municipalities to regulate site alterations through bylaws. Municipalities will then have the power to prohibit or regulate dumping, grading or fill removal.

Private municipal acts regulating the dumping of fill will be repealed, and the bylaws under these acts will be allowed to stand if they are consistent with the new provisions. A lot of the municipalities already have those bylaws in place now. They control what is going in and what landfill and topsoil are being removed. They are now being controlled by bylaws.

Part V: This part of the bill is made up of consequential amendments to a number of acts to make them consistent with the changes made to the Planning Act, the Municipal Act and the Ontario Planning and Development Act.

The Ontario Municipal Board Act is also amended in this section in order to streamline the procedures. The board will be able to dismiss a matter if no response is received to a request for more information or if the prescribed fee has not been paid.

The requirement that a board member must get authorization from the OMB chair to hear an appeal is now removed.

One member of the board will constitute a quorum.

New sections have been added to recognize service of notices by fax and the holding of hearings by telephone and other electronic methods.

The chairman will no longer have to be present at hearings. Individual board members will be allowed to continue hearings after the expiration of appointments until a decision has been made.

My party has been highly critical of the legislation because the requirement that all municipalities create an official plan in accordance with the province's new principles is a form of top-down development which ignores local concerns.

As well, the planning reform would add further downloading burdens. Not only will new official plans have to be created in some cases where there are no plans, but municipalities will be required to do more technical studies and get more information from bureaucrats. Today that process is painfully slow; in the future it will be even slower.

Communities in rural Ontario are also concerned about

the legislation's land severance provisions and the principle that first-class farm land should be preserved. I really don't see a policy in Bill 163 that lays down a criterion that tells you how you can apply for a land severance. It doesn't tell me other than that it says, "First-class land shall be preserved." In rural Ontario, are we going to be able to have five or six severances off one farm if it's class 4 or 5 land? They're not saying you can't do that. But they're putting a great emphasis on the environmental considerations, and if you get a severance today, I presume it will be a condition that you have to do an environmental impact study to determine the feasibility, to determine the availability of water, to determine whether it's environmentally feasible to have that severance or to build that home on that property.

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The government's original aim of encouraging economic growth and jobs I believe has been shunted aside. Some elements of the legislation, such as streamlining the planning and development processes, are laudable goals. The Common Sense Revolution has made the elimination of red tape a major priority.

Hon Mr Philip: Cutting 20% of agricultural grants is really going to help the farmer.

Mr McLean: That's how misinformed the Minister of Municipal Affairs is. He indicates we're going to cut out 20% of all farm grants. It's unfortunate that he hasn't read the document. Our leader has made it abundantly clear that there's no cut in any agricultural policies in this province. That's been abundantly clear and yet they continue to say, "They're cutting them by 20%."

Hon Mr Philip: Where does it say that?

Mr McLean: I'll tell you, when people want to mislead other people, they can do it quite easily. But I wouldn't want to do that, because I can hear others here who want to do it and are more familiar with how to do it than I.

I want to tell you about the interest group reaction. The Association of Municipalities of Ontario has offered its tentative support for some of the proposals, including more open local government, streamlining, and environmental protection. As the minister said earlier, that was what Mabel Dougherty was pleased to hear was going to happen.

However, AMO says the changes contained in the Local Government Disclosure of Interest Act are unclear. Other aspects of the legislation are vague. In his opening remarks, the minister didn't say Mabel Dougherty said that. It's funny that he wouldn't tell us the whole story, but we happen to have it.

AMO's previous response to the Sewell commission recommendations, which are nearly identical to the government's own proposals, was far more critical. AMO cited several problems, including the lack of cost-benefit analysis, the imposition of environmental impact studies on individual land severances, and the lack of financial assistance for municipalities to develop official plans.

What is the minister saying and what help has he given to the local municipalities on those very issues? Who is going to pay for that environmental impact study?

Nobody ever said who's going to pay for it, but we all know who will pay for it. It will be the individual who applies for the severance who's going to be paying for it.

AMO warns that the clause "shall be consistent with" included in subsection 6(5) in order to make municipalities conform with policy statements remains highly problematic, because AMO is concerned that municipalities will not have the flexibility to do their own local type of planning. That's what they're telling us, yet the minister is indicating that's what they will get. AMO's first reaction was that they were happy because they thought they were going to get more local planning.

AMO is also concerned that the entire legislative package is based on policy statements which may end up being too restrictive. AMO wants those policy statements on housing, the environment and social policy to be guidelines only, not regulations.

If there are these regulations, why don't we have a look at them before it goes to committee? Why don't we have these regulations in committee when those people come to make their presentations known so they know what the environmental impact study is going to do and know what it's going to cost, roughly? Let's have the consultants, let's have the legal people there to tell us what this cost is going to be.

AMO fears that the ministry will regard the statements as virtual planning and development prescriptions. That's what they're saying.

The minister denies it is onerous to require that members of municipal councils, school boards, public utility commissions and police villages file, within 60 days of being elected or appointed, a detailed financial information statement containing a disclosure of assets, liabilities, sources of income and financial interests of the individual, the individual's spouse or minor children, as well as companies controlled by any of them.

When we look at small-town Ontario and some of the small municipalities, I have a feeling that this is going to discourage a lot of candidates from running for municipal council.

He claims he is not bringing the whip down harder on elected municipal officials than on members elected to the provincial Legislature. That's what the minister believes, but I beg to differ, because the minister fails to recognize that the elected municipal officials work only part-time. I also understand that directors and first directors of community economic development corporations shall file written disclosures with the clerk of the municipality appointing them. If you have an economic development commission in a city or a large municipality, those individuals who are appointed—not elected, but are appointed—are going to have to file within 60 days of being elected or appointed that complete financial information statement.

A lot of business people in the community I represent, especially in the city of Orillia with the development commission, I'm not so sure they're going to want to be appointed to that development commission if they have to disclose in complete detail all their assets and liabilities and sources of income and financial interests. Why

should they? They're there to serve the people. They're there volunteering their time to help the community. Yet this minister thinks they should file within 60 days full financial reports.

If this isn't a double standard, then I'd like the minister to try to justify this policy and explain the thinking process that led to its creation.

The Greater Toronto Home Builders' Association and the Urban Development Institute responded to the government's New Approach to Land Use Planning proposals by pointing out that streamlining will not be achieved and that municipalities will not have greater control over the development process. That's not what I wanted to hear, that's not what Mabel Dougherty wanted to hear, but this is what the Greater Toronto Home Builders' Association is saying it's hearing.

The Ontario Chamber of Commerce has also come out against the proposals, arguing that they will have a negative impact on the cost of housing and non-residential development. The chamber believes the reforms could make Ontario less competitive compared to other jurisdictions, which will hinder job creation. Do we really need that in these economic times in this province, another detriment to job creation?

It should be noted that Metro Toronto will be left out of the new planning process. The minister said he was forced to exempt Metro because of the unresolved controversy over who should govern the area: Metro region or the five cities and borough of East York. It was only a year ago that we went through a process in Simcoe county called a restructuring where the minister indicated that we were going to save in that county \$1.3 million because it was going to cost them less.

Well, there's not one politician in that county today who can tell me there's ever been a saving of any degree, and most of them will tell me that the cost has been substantial. Not only that, but many of those municipalities tell me, and would tell the minister if they had the chance, that they don't like the process they're in. They don't like the 12% increase in taxes they were given in Rama township, which is now part of Ramara. The township of Matchedash did not like the 17% to 20% increase it got in taxes. And this is the very same minister who stood up in this Legislature and said, "You're going to save \$1.3 million." You tell it to the people in those municipalities. You tell the people who voted 80% to 95% against restructuring that they should be happy with what they got. I'm here to tell you, they're not happy.

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Several Metro councillors asserted that the NDP government was retaliating for the council's refusal to build four subway lines. I remember the member for Yorkview was today up questioning the minister about when they are going to build the subway lines for Metro Toronto. The government was supposed to give Metro the orders and Metro was supposed to just jump and then say, "Well, how high do we have to jump?" It was interesting to see the member indicate his support for the four subway lines.

The impact of Bill 163 is difficult to measure because of the sheer complexity of the reforms. They are major. Although the government maintains that it is increasing the amount of municipal input and control of the planning and development process—yes, they are increasing it all right, and they're increasing it such that the local municipalities are not going to be very happy with it—the legislation will instead create a top-down reform process because of the inclusion of the "shall be consistent with" clause and the frequent use of the term "will."

Many of the government's goals are contradictory. On one hand the legislation is aimed at job creation in the private sector; on the other hand it is putting potentially more regulatory burdens in place. Regional governments will have extra powers to oversee and coordinate planning. Individual cities and towns will have less say in the planning and development process.

Although the PC Party supports the idea of more open government, there are still several questions about the proposed disclosure to the interest commissioner. We do not know how much power this commissioner will have and there are no details about the size of the staff. I'm not so sure, but I even read somewhere that there's going to be a deputy commissioner somewhere along the line.

The emphasis on environmental principles is another concern—a major one. No cost-benefit analysis has been done on the potential extra costs the reforms could have on private sector development. That is a major issue.

Hon Mr Philip: Have you done a cost-benefit analysis of what it costs now with your bungled system?

Mr McLean: The minister has no idea what the environmental cost is going to be to any major development. He has not told us what the principles are. He has not told us what the regulations are. He has not told us what the guidelines are. He will not give the municipalities, AMO and ROMA and NOMA, the opportunity to have input. He gave them a 90-day deadline, and they are not very happy about this. Intensification is also expensive—

Hon Mr Philip: That's a lie; that's an absolute lie.

The Acting Speaker (Mr Noble Villeneuve): Order, please. The Minister of Municipal Affairs, please.

Hon Mr Philip: I withdraw the remark. I suggest he might like to talk to AMO, though, and he'd change his mind.

Mr McLean: I'm glad to see that the minister has cooled off a little bit. He should maybe have another look and read those 100 pages of Bill 163 so he'd maybe have a little better idea of what's in them than what he thinks is in them.

But I'm telling you, the intensification is also expensive and hard to implement through the planning process for private developers. Now, I said that before because I want to try to get the point across that the private developers are not all too enthused about what they're looking at in this process.

There is no strategy for job creation linked to the land development reforms. No rationalization has taken place to sort out the dual approval system created by the Planning Act and the Environmental Assessment Act. I

just said, and what I want to repeat is, there's no place to sort out the dual approval for the system created by the Planning Act and the Environmental Assessment Act.

I want the minister to lay on the table before this goes to committee the regulations and what individuals have to do to be able to further a development and to get approvals for development. I would like to have some details with regard to the environmental assessment study, with regard to severances, with regard to minor variances.

I also would like to have a review of the plans laid out with regard to the inspections of septic tank systems. My understanding is it's every five years, and I would like to have from the minister a clarification of what process these people would have to go through when they do their environmental study to get approval. Is part of that environmental study, then, that five years down the road you have to have another evaluation? Do you have to have it inspected? I would like to know what the approximate cost of that inspection is going to be. People out there would like to have an idea. Not only now—they're paying to get severances, and I can tell you that the problem is not a small one, the minor variance situation and the severances.

I'd like the minister to try and set a policy. I don't know how he can do it. When I've met with municipal officials, some will say, "We want severances, we want this, we want that." You've got another group that says, "We don't want any severances." How are you going to determine it? Are you going to determine it by class of land? Are you going to determine it by putting it back to the local municipality and say, "You set your guidelines and your policies of how you want to handle severances and minor variances in your municipality"? Are you going to say, "We are going to make the policy statements, we're going to make the environmental statements and this is the way it's going to be"? Or are you going to leave it vague and nobody really knows where they're at?

It's got to be one way or the other, Mr Minister. I say to you, before we go to public hearings, we want to have those regulations. We want to know what people are going to have to do in order to get subdivisions approved and proceeded with. You're saying: "We want to bring this process to a conclusion quicker. We want to get the hearings over. We want to say to you, regional government, you do the planning. You tell, in your municipality, how you're going to handle the extension of a subdivision bordering the city of Barrie," which has doubled in 10 years, almost. Are you going to give that county the approvals for around that city to say, "This is where the development's going to be"? Or, are you going to say to the city, "You have some say in what's going to happen in the township of Vespra or the township of Oro"? What are you going to do with that? There's got to be some policy laid out of how that municipality, that county, handles it.

The local municipalities have an official plan. The county is going to have an official plan. The local municipalities' official plans are going to have to coincide with the upper tier, because my understanding is that the upper tier is going to be the final say. In essence, what is the point of a local municipality having an official plan

if they're going to have to go by what the upper-tier official plan is? In essence, what you're looking at is a form of regional government which is going to do away with the lower tier.

Mr White: No.

Mr McLean: Well, it may happen. That's what I want to find out in committee, what's going to happen. What I'm saying to you, Minister, is we would be pleased if you would provide the regulations on how these things are going to happen, in committee, because nobody has defined for me how you're going to deal with severances in rural Ontario. It is a major problem and it's going to get bigger.

What are we going to do with regard to estate lots? Is that going to be all part of the planning process in that municipality? You see, if you give the local municipality the authority to put on their own official plan "approved by the ministry with certain conditions," then they can do that. I'm wondering if you are going to allow that to happen. I think the policy statements that you have will be important.

I urge the minister to give a great emphasis on dealing with NOMA, ROMA and AMO. Give them the appropriate time to review it. This is a complex bill—

The Acting Speaker: Thank you. The honourable member for Yorkview, questions or comments.
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Mr George Mammoliti (Yorkview): Mr Speaker, I want you to check in your drawers there to see whether or not you have any pills that might say "a dose of reality." If you do, Mr Speaker, I'd ask you to send a page, perhaps, to bring one of those pills to the member for Simcoe East and perhaps to taste a little bit of the dose of reality.

The reality, to the member for Simcoe East very directly, is that when the Conservatives were the government, everybody was talking about—and I mean everybody was talking about—more local, open government. And what happened? Nothing; absolutely nothing, not even an attempt to bring in a piece of legislation that would allow the grass-roots people to have input and to open up the municipal government—absolutely nothing.

Reality again, and a dose of reality to the Liberals, is that when they were the government everybody at the grass-roots level was talking about the dose of reality, and that was that the Liberals did not want to do anything about open government—nothing; absolutely nothing.

A dose of reality very directly again to the member who's speaking from Simcoe East is that this minister is quite prepared to put a package together that's going to go to committee, that's going to open up the local government, that's going to allow the grass-roots level and the members in this place to talk a little bit about what changes need to be made.

A little bit of reality from the member when he stands up and talks and criticizes—at least the minister has got some guts. At least he's able to stand up here in the Legislature, announce some changes, take it to committee and talk about it. Let's see you in committee and see exactly what recommendations you'd like to propose.

Mr James J. Bradley (St Catharines): It is a useful exercise to be dealing with this legislation and I think it's timely to do so. I worry about some of the planning that has taken place. Some of it's been very good in some communities; some of it has been less than good.

As I go from St Catharines to Toronto, I look at a lot of the former agricultural land which used to be very attractive to a lot of people. One of the things that was attractive about the Niagara Peninsula was the amount of rural land that was there. When I look at some of the developments that have taken place, which are there largely to service people who work in Metropolitan Toronto—in other words, the urban growth that has taken place within some of the smaller rural-type municipalities in our area is really there to service people who have no real connection with those communities.

What happens is, when that development takes place, it places an onus on the local municipality to provide schools, for instance—and we've had some announcements of schools lately as a result of these developments—and of course they have to provide sewers and water and the other services that are there. Many people believe, particularly at the municipal level, that all of this development is automatically good for the municipality, that it increases the amount of taxes that they can have at the local level—the assessment.

Dr Joseph Kushner of Brock University, an economist, has produced a paper which indeed indicates that those benefits aren't nearly so great as many people believe them to be.

In the brief two minutes that I have in response I want to indicate my support for the discussion of these planning matters. The fact is that Mr Sewell has put out a choice of options; he has chosen his and we'll eventually choose ours.

Mr Ted Arnott (Wellington): I'm very pleased to compliment the member for Simcoe East on his fine speech this evening. It was filled with common sense as to what this government should be doing to change this bill so it reflects the reality of rural Ontario.

I want to add something to what the member said. He talked about how, if the conflict-of-interest legislation as it affects municipal officials, elected municipal councillors, is not amended substantially, we're going to lose a lot of good people who have served previously, who want to serve in the future, but will not consent to run if they have to disclose all their financial holdings, particularly in rural Ontario.

I say to the minister, last night I was at the village of Arthur council, my home-town council. Two out of five members of the council I've known all my life, since I was a child, who are absolutely fine, upstanding people—there would never, ever be any problem in terms of ethics on that council—two of those people have told me privately that if this goes through as it is, they're not going to run again. They want to serve, they want to continue serving, and we need to keep them on that council if the people in the village of Arthur want them there. They gave me a resolution that they wanted me to bring to this debate and I'm going to read it to the minister:

"Be it resolved that Arthur village council strongly opposes Bill 163, Local Government Disclosure of Interest Act. In small rural communities a pecuniary interest already is closely monitored by the public and other council members. The general public has nothing to gain by the disclosure of assets and liabilities of part-time rural municipal councillors."

Mr Mammoliti: What are they afraid of, Ted?

Mr Arnott: Please listen.

"Having to disclose these assets and liabilities could only act as a deterrent for strong representation on municipal councils in rural Ontario. This would be a loss to the general public.

"Arthur village council feel that once again the provincial government has lost the reality of rural Ontario."

I believe very strongly and agree with everything that's said in this resolution. I would suggest to the minister that he has to amend this bill such that the small rural municipalities are exempted from the impact of the—

Ms Christel Haack (St Catharines-Brock): No.

Mr Arnott: Yes, indeed. Otherwise you're going to lose hundreds and hundreds of fine representatives on local council if you don't do that, and I urge the minister to do so.

The Acting Speaker: One final participant. The honourable Minister of Municipal Affairs.

Hon Mr Philip: I thank the member for his comments. His first comment is that somehow there should be more consultation and more studies. I think he's trying to be a Liberal or something or other and have more studies.

The fact is that the Sewell commission consulted widely for two years. We sent out some 28,000 documents, had 66 stakeholder meetings and we received 600 written submissions.

Mr David Johnson (Don Mills): But do they agree with it? None of them agree with it.

Hon Mr Philip: If there is any comment that I have received consistently, at ROMA, at NOMA or at AMO, it was that the Sewell commission listened, it made changes and it was sensitive to the needs of various types of communities across the province.

The kind of stereotyping the member has done on the commission I think is shameful, to say that they are three city slickers. George Penfold has been and is a highly respected professor of rural planning at Guelph university for many years, and to say that he doesn't understand and doesn't have sensitivity to the rural community is simply a sham. It's the kind of hatemongering, the kind of divisiveness this party, the Conservative Party, is trying to put, saying that somehow the rural municipalities should be fearful of the urban municipalities.

In terms of AMO, let me say that the Association of Municipalities of Ontario stated that it fully supports having a set of provincial statements and generally agrees with the province's new approach. He can try and distort that any way he wants, but in fact the people at AMO will find that his distortions are clearly unacceptable to them and unacceptable to the kinds of things they've been saying.

With regard to the development industry, let me just say that Castle Point is one of the prominent developers. Indeed, the member is in the gallery. He's here supporting this legislation, because he knows it streamlines the kind of development he is doing in great cities like Markham in the greater Metro Toronto area.

Mr Robert V. Callahan (Brampton South): On a point of privilege, Mr Speaker: I'm asking your direction in this regard. When a minister presents a bill to the House, as the Minister of Municipal Affairs did, and a speech is made by a member of the Legislature who's not a minister, and questions and comments are limited to four rounds, I'm asking you whether or not our rules provide that the minister himself can rise on questions and comments and actually have an opportunity to present the final address to the jury. To me, that seems to be unfair.

I haven't checked them, but I'm sure the rules are meant to allow discussion by members of the Legislature in terms of a bill that's been introduced by the minister which he is trying to present, to give us the opportunity to present the views of our constituents in a full fashion. I ask, Mr Speaker, whether there is anything, either in the rules themselves or in the traditions of this House, that would allow the minister to have that opportunity when it deprives one of us in the Legislature of having an opportunity to comment on the speech of the persons in the House.

The Acting Speaker: I think the member brings an interesting point. I don't believe it's a point of order. However, it's an interesting point.

All members are allowed to comment on the participation of another member. Whether they be a minister or otherwise, all members are allowed.

We have now reached the termination of questions and/or comments. The honourable member for Simcoe East has two minutes in response.

Mr McLean: I thought the democratic process allowed for people in this Legislature, whether in opposition or in government, to make comments on legislation that is brought before this House. I find it difficult that the minister would find that anybody should say anything detrimental to a piece of legislation he's brought in—I find it unacceptable that a minister should condemn another member in this Legislature for not agreeing with everything that he thinks and everything that he says. It's totally unacceptable for the minister to say what he said to me as a member in this House when I'm presenting views of people and my constituents, who have asked me to come here to do that.

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I want to thank the member for Wellington with regard to the remarks that he has made here. I want to also thank the member for St Catharines, who has left, for his remarks. I want to say to the member for Yorkview, who talks about a dose of reality, I think he is really still spinning his tires. He should be ashamed to rise in this Legislature and condemn another member for getting up and talking about reality. I can say to you, sir, your conscience should be bothering you.

I want to say the minister that for me to come in here and to present the views of the people I have talked to across this province, because I totally don't agree with what you think, then that's acceptable. I believe that we as opposition members of this House—and the democratic process is taking place—are doing what we think is right, because you can say anything you like and leave out other sentences that you may.

But you know, I noticed here today, when we're dealing with other pieces of legislation, every member from the government side got up and condemned every member on this side of the House for what they had to say because they did not agree with what you think. Who do you think you are anyway? There are other people in this province besides you.

Mr Mammoliti: On a point of privilege, Mr Speaker: Can I have unanimous consent for a two-minute rebuttal from the minister, please?

The Acting Speaker: Do we have unanimous consent? No, we don't. Further debate? The honourable member for Essex-Kent.

Mr Hayes: Thank you, Mr Speaker.

Interjections.

Mr Hayes: I'm sorry.

The Acting Speaker: Order, please. It's my understanding from the clerk that we do not have the approval of the government to participate. We are now in rotation to the official opposition.

Hon Mr Philip: Mr Speaker, the agreement was that the official opposition would have its usual full allotment. Then it would go back to the Conservative Party, then to the New Democratic Party, at which time Mr Hayes will have his opportunity to speak. That was the agreement. I welcome the comments of the official opposition.

The Acting Speaker: I appreciate the minister's interjection. The honourable member for Brant-Haldimand.

Mr Eddy: I am pleased to have the opportunity to speak to the bill, which I knew I would get at some time this evening and it was no rush. We're out of rotation somewhat simply because I relinquished to the member for Simcoe East, who must get home to Simcoe county to a very important meeting, I understand. So he is on his way.

I'm not surprised at the discussion that's being elicited on the planning process, having spent many long evenings involved in the planning process with the public and developers and municipal people trying to solve—indeed, I would have to say that I think the planning process has occupied the greatest percentage of municipal councillors' time and energy over the years, more than probably any other process. But that's the nature of it and of course, as we have seen, planning matters and the planning process are certainly controversial at times. I've been happy on many occasions to be in the middle of the controversy and other times not quite so happy.

We are discussing tonight Bill 163, An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes

related to planning and municipal matters. A very long title because it deals with many, many subjects, and I've noted on many occasions where the members of the opposition would say it's another omnibus bill. There are too many things included and we should have separate bills. I think we should stop complaining, because we seem to get more of them the more we complain. This seems to be the granddaddy of them all, because it does indeed contain so many different subjects.

I'm going to speak for a short time because, as you know, we don't have the amount of time allotted to us as I understand was the custom in this House prior to changes by the present government, when indeed members could speak to bills at somewhat more length as they decided. However, we learn to live with the rules that are before us of whatever institution or body we're part of.

I'd like to proceed with some brief remarks about the proposals, because there is a great deal of concern. I, like other members who have spoken, really look forward to the hearings on the bill because I think we'll have some excellent suggestions and presentations by citizens and people who are concerned and interested certainly in this matter.

The bill does include many matters, and one is the revisions to the Ontario Planning and Development Act. But before going to that, I did have a suggestion about the title, because the bill is to enact the Local Government Disclosure of Interest Act, 1994, and I would really think that should be in the title because it's so very important. I realize it is replacing the old Municipal Conflict of Interest Act.

The first part, then, is the Ontario Planning and Development Act, 1994, and I note the elimination of the municipal advisory committees. I don't know the reason for that entirely, but I would think that it would be a good idea to have the possibility and make them optional, if the minister would consider that. But I'll wait till there are hearings to see if anybody really does push for that.

The next part is the Local Government Disclosure of Interest Act, 1994, and I'm advised there by the father, if I may say, of the Municipal Conflict of Interest Act, Michael Smithers, who chaired the first committee that resulted in the first act, I believe in 1972 I think the minister said, which was amended some 10 years later with improvements.

I think the title is much better, but it should, he advises, include "pecuniary interest"; that wherever the word "interest" appears, "pecuniary interest" should be included, and that would be in the title as well, because if there is a court case and there is a problem with the act, I understand that the judge will go to the title to take meaning and interpretation. So that's a minor thing, and it's a suggestion of course.

As was mentioned by one of the speakers, we should have an estimated cost of the commissioner's office or department. That is something of course that's very much needed but will have probably a substantial cost to it.

The disclosure of financial interest part of the bill is, as has been said, a great concern for municipal politicians from smaller areas. There's no doubt about it. I'm very

pleased to see and I appreciate the staff allowing me to have a copy of the proposed form 1, disclosure of financial interests. I note that it's somewhat based on the MPPs' disclosure of financial interest forms but has been modified considerably, and I appreciate to the extent that it is, that it does not include amounts. It's very, very helpful to have a look at that and to see the change.

However, we agree that there should be an exemption for the smaller municipalities, if that could be considered, of, say, municipalities under 5,000. The reason for that is that people in the smaller municipalities are known to a great degree, if not completely, by all other members and know their financial interests to a great degree.

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The difference that I see between the local councillors' disclosure of interest form and the MPPs' is that ours goes to a commissioner and remains private. For the members of a local council, it will go to the clerk or the secretary of a board and be available to the general public. Now that's a big difference.

I've never had a problem personally with things like that, because I always find if people want to know what you own, there are ways of finding that out and people do know one way or another. But it is a great concern, I assure you, and I would hope that consideration could be given to members of municipal councils from smaller municipalities.

I imagine that we'll hear a great deal of that. I don't know what the schedule of hearings is and where the meetings will be held, but I do hope that people across Ontario are given the opportunity to speak to the many parts of the bill.

Now we get on to the bill itself or the policy statements, and they're not statements of course, they're policy directives.

Many people over the years in Ontario have called for a provincial official plan, primarily I think with the view of preserving prime agricultural land. Many people are as concerned as most of the good farmers in the province are that indeed class 1 and class 2 lands be preserved for agriculture for the future use of growing foods for all citizens. That's a primary concern I know of many farmers, of many rural councils and many, many others.

The problem of course is that municipalities, because they're required to finance so many services, are required to raise taxes. Some municipalities are in a position where development automatically comes; no effort whatsoever. There's all kinds of industrial-commercial development.

I think of the township of North Dumfries, which is in the northern part of my riding and the southern municipality in the county of Waterloo, which has an industrial assessment of 52%; very high, very fortunate. As a consequence, it's much easier to keep taxes at the same level than it is in many other municipalities that are struggling to get commercial-industrial assessment to somewhat offset the farm and residential assessment. So certainly, as we all know, municipalities vary from place to place.

The Comprehensive Set of Policy Statements is most

interesting and will certainly have a great deal of discussion. There's no doubt about that.

The first, "A," is "Natural Heritage, Environmental Protection and Hazard Policies," and the goal is "To protect the quality and integrity of ecosystems, including air, water, land and biota; and where quality and integrity have been diminished, to encourage restoration or remediation to healthy conditions." That's certainly going to be very complex to most people reading it. There's no doubt about that.

Goal 2 is, "To ensure that wetlands are identified and adequately protected through the land use planning process and to achieve no loss of provincially significant wetlands." That's provincially, and there are many that are designated.

Goal 3 is, "To ensure that development is not permitted in areas where site conditions or location may pose a danger to public safety or public health or result in property damage; and to encourage a coordinated approach to the use of land and the management of water in areas subject to flooding in order to minimize social disruption." Most interesting.

I had a comment on that from a group who said as follows:

"Section 20, subsection 3.2 of Bill 163 amends section 34 of the Planning Act, which used to cover land that is subject to flooding or land with steep slopes, or that is rocky, low-lying, marshy or unstable. It is now expanded enormously and reads:

"for prohibiting the erecting, locating or using of all or any class or classes of buildings or structures within any defined area or areas,

"i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,

"ii. that is a significant corridor or shoreline of a lake, river or stream, or

"iii. that is a significant natural corridor..."

This particular report goes on to state:

"Ownership of land used to carry an inherent market-place value. Not so any more, with the power hidden in an act which is betrayal for free enterprisers, who have tried to bargain on a level playing field with a government that doesn't recognize the territory."

The concern here is that the bill will allow municipalities to grab land with no compensation because it makes it unusable. That is a concern in many local municipalities, including some of my own, so that is a matter that has to be looked at.

The problem here is, because the act states that the planning decisions of municipalities must be consistent with these policy statements, it doesn't leave any leeway, any recognition, I don't believe, of local conditions and the need to vary the rule somewhat in certain locations. As we well know, there are lands in every municipality—there are lands adjoining, for instance, prime agricultural lands that can be used for other purposes and certainly don't affect some types of agriculture.

"B. Economic, Community Development, and Infra-

structure Policies: To manage growth and change to foster communities that are socially, economically, environmentally and culturally healthy and that make efficient use of land, new and existing infrastructure and public services and facilities." Of course, the services required certainly vary from one municipality to another.

"C. Housing Policies: To provide opportunities in each municipality for the creation of housing that is affordable, accessible, adequate and appropriate to the full range of present and expected households in the housing market area."

Of course, this again is a subject that's very controversial, and I would just point out that it's another concern for many municipalities that feel that they do have adequate low-income housing, and maybe that can be proven, and don't wish to follow all of the rules and certainly the rules that will be contained in this particular policy.

"D. Agricultural Land Policies: To protect prime agricultural areas for long-term agricultural use." A very, very important policy statement and one that I expect we'll find that many farmers who are farming prime agricultural land will agree with.

Certainly in this province we've seen a great deal, and indeed in some areas too much, of prime agricultural land go under asphalt and be built on. It's lost for ever, and it's unfortunate when you consider the amount of land in Ontario that is not usable for agriculture of any kind, even for growing Christmas trees, when it comes right down to it.

I'm so encouraged. I well remember, in discussing development issues and being at planning meetings where applications were discussed on land in my own municipality where prime agricultural land was affected, people saying, "The last thing we need to do for the next generation is to destroy good agricultural land." So that part is very important.

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"E. Conservation policies: To encourage energy conservation, water conservation, and the reduction, reuse and recycling of waste." Certainly it's something every citizen needs to be interested in and needs to be agreeing with and furthering.

So those are the policies, very briefly, which are going to direct—and I think that's the problem—planning boards and municipal councils to follow in the future, so the act is not a devolution of power in any sense of the word. It is, of course, a downloading of costs. That has been going on, and of course some of that's been going on because municipalities have requested that they have the right to approve official plans of area and constituent municipalities and to plan area-wide. It is a much greater cost.

I absolutely disagree with the requirement for two-tier planning. I believe one of the problems in our society is that there is, by far, too much overlapping between the various levels of government, Canadian and provincial governments, provincial and municipal, upper-tier and lower-tier.

I was pleased to see that the disentanglement process

between the ministry and the Association of Municipalities of Ontario was proceeding at one time and it looked as if there would be some clear-cut decisions to have some services strictly municipal and some provincial and indeed financing on the same basis. I think it's a goal we need to work with and we should be working towards it, and it is very important.

The problem with two-tier planning is, of course, that you have local levels of government fighting and disagreeing with each other. I would not require the upper-tier regional, district, Metro and county governments to have a land use official plan. They should have policy plans or policy statements—and of course we're talking about provincial policy statements now—upper-tier policies that the local municipalities would follow and protect the transmission corridors, transportation routes and the other things the upper tiers are involved in.

I feel very strongly that local municipalities should be given their choice. They should be allowed to be in the planning process and have official plans, and I know they are now and it's optional and will continue to be. If they wish to relinquish that to the upper tier, which has happened in many cases—Huron county is an example where it's one-tier planning at the upper tier, and it's working, it seems to me, and it's a good example to follow; unless there's someone here who knows different, that's the way it appears to be. You don't then have planning at the lower tier and at the upper tier at cross-purposes and at a substantially greater cost.

I think single-tier planning has been working. I don't know of major problems in the region of Peel or the region of York, which have been two of the fastest-growing areas in this province—a tremendous amount of development. I realize the hard services are at the upper tier, supplied by the regions, and the planning is at the lower tier. I expect the upper tiers have had and taken every right to have input into the planning process, as any other body would, and indeed they may have policy statements.

I think it's a better way. What we're looking at is local planning, and it should be local. Decisions should be made locally as much as possible. I realize there has to be provincial input and there has to be upper-tier input and that has to be protected in a right, and of course it is a right, and the way that right is preserved is simply through appeal to the OMB. That's a cumbersome system and I doubt if we want to see that continued.

But if upper-tier municipalities have the right to approve lower-tier official plans, they can have their policies incorporated and use the terminology they wish. The province is now saying local planning decisions "shall be consistent with" the policies of the upper tier.

I don't think that's the way to go; there should be some leeway. We need to look at a simplified system with the rights of all bodies, including the conservation authorities and indeed the Niagara Escarpment Commission, in planning decisions. I don't think we should continue to have so many different bodies making decisions in the planning process and I feel that's what it is. We need to simplify it and go further. Of course, there are some simplifications here.

I feel that the province is establishing all the rules—maybe that's too harsh—all the important rules, let me put it that way, that the municipalities will have to follow in the planning process. The municipalities will have to provide the infrastructure to deal with these. It's very like, in my opinion, the administration of general welfare assistance in the province where there is a General Welfare Assistance Act passed by the province: The regulations are by the province, all the rules, the rates to be paid, and the local municipalities then make the payments.

Some municipalities prefer to have it that way. They say, "It's local and we want to keep it local," and that's fine. But the bodies rendering the services, it would seem to me, must have some of the say and must be able to react to the problems they face. During the recession, it's been stated many times—I don't know for sure but I read continuously—that there's considerable welfare fraud. What's happened is that the province has faced up to that by appointing welfare investigators to go over the case load. I've always contended that if the intake workers at the upper-tier level were given the tools to work with, the problem wouldn't be as extensive as it is perceived and may be proven to be by the results of the investigators who have been appointed—the fraud squad, as I've got noted here.

The new Planning Act means that the province makes the rules and tells the municipalities, which of course are elected levels of government, to follow them.

There is a better way than forcing the upper tiers to all have official plans even though their constituents and local municipalities have had official plans for many years, many municipalities going back to 1949. Indeed it was the lower tiers that really got started in planning, led the way is the way I would say it, and no upper tiers were in planning at all. However, through the years, as regional governments were established, it was decided in some cases that the planning would be at the upper tier. That's worked in some, as I've stated. The county of Oxford, I believe, is another example where planning is all at the upper tier. It's working.

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It's not working as well in the regional municipality of Haldimand-Norfolk. I think there it's a matter of size, that it's so much larger, it's stretched out, and of course there's such a diversity from east to west between the old county of Haldimand and the old county of Norfolk, which were forced together into the regional municipality. There are some particular problems there. Indeed in that case the regional municipality has looked at the matter and there's been a devolution of some of the planning process to the local level.

We're all agreed, of course, that there need to be changes in the planning process. I'm told that the waiting time for a planning approval has grown on average from 17 months to 27 months, and that's certainly a bad trend and one that needs to and should be reversed. We need to support efforts that will reverse that and improve the situation.

There is a particular concern by someone who has written to me about the provincial policies and the

statement that local municipalities, when making planning decisions, shall make planning decisions that "shall be consistent with" the provincial policies. The statement is as follows:

"The proposal to elevate provincial policy statements from the level of guidance to that of governance" is one that is considered to be "unworkable, unfair and abhorrent."

"Policies are not and should not be drafted in the same way that statutes are drafted. To be effective as policies they must be expressed in more embracing language than in statutory enactments."

"It is one thing to have a system of policies designed uniformly to screen out proposals, as is done, for example, in screening criteria for environmental selection processes. It is quite another thing to have some policies designed to screen out proposals and other policies designed to include in proposals, as is the case with the policy framework proposed. That hybrid system can work, I think, if the policies are used as guidelines but cannot if they are tantamount to legislation." For these reasons, the writer considers the proposal to be unworkable.

"The policies are settled and their application is detailed without the sanction and beyond the scrutiny of due process. Such matters as mapping that may irretrievably prejudice an owner's rights"—and I've certainly experienced that in connection with mapping under the conservation authority; one in particular affected many properties—"and the policies themselves, are not subject to appeal, nor are their implications subject to scrutiny in the context of a hearing where full submissions and cross-examination may test the hypothesis. People's rights may be procedurally and substantively affected and that would be unfair without giving them a meaningful right to be heard." I do agree with that and I would expect other members might.

"In our long-established and successful system of governing land use, the role of government is to promulgate policies and provide a fair and impartial decision-making process on appeal so that decisions are made based on an honest and impartial assessment of the merits of matters, subject to scrutiny, rather than on political or ideological considerations. The role of the private sector is to create and produce land developments within the procedural rules and the substantive policies established by the government."

"To have the government actually mandate its policies as laws would be to move into a system of top-down control by the state." One of the previous speakers did mention this important matter. "That would mean that the private sector would be unable to exercise its traditional creative function or to respond to the demands of the people. That type of statist approach is," in the writer's view, "abhorrent and destructive."

For these reasons, it is his view that the proposal requiring that the decisions "shall be consistent with" provincial policy statements is inappropriate and that the requirements should be rather that decisions "shall not be inconsistent with" or, the one I would prefer, "shall be consistent with the intent of" the policy statements. That

of course gives some flexibility, a very important flexibility that I would think would be used with good intent in many instances and indeed facilitate good planning.

We have many examples of good planning across this province. On the other hand, we have many examples, as been stated, of some not-so-good planning. In fact, I know of a city which has systemically, through the planning process, changed a fine residential street adjoining the downtown into commercial offices. Then there are now two large shopping malls on the outskirts of that city, and the area between, which was a provincial highway, now a connecting link, is filled with small shops and fast food outlets and has in effect become the main street.

What's happened to the downtown? It's pretty bad. If it weren't for one larger store right in the centre, a new one, an Eaton's shopping centre, there wouldn't be anything in the downtown core, and it is a medium-sized city. Most unfortunate.

The other thing that bothers me when we talk about the example of bad planning is the amount of strip development. It's interesting to see, as you travel across the province from one county and/or region to another, the differences in the planning process and in the policies that are being followed, because you certainly notice a difference in the number of single-lot severances that have been created. Strip development, I think it's called, is so noticeable in others, and then you'll drive into another area where the planning has been much different. I believe the member opposite knows of areas I'm talking about, and it has caused me great concern.

I'm very pleased to see that the Planning Act is being reviewed, that we are looking at some steps to change the process. It's needed. Most people want changes. Certainly they want the process speeded up. There isn't anybody who says it shouldn't be speeded up, no doubt about it.

But I do dwell on and promote this point that with the municipalities that are planning authorities, to make sure we give them some leeway and that the policies aren't so strict that there is no, or very little, local decision-making. It's very important if we're going to continue with local democratic government and with the feeling that when councils meet they can have some effect on the decisions they're going to make.

The other point that is causing some concern to people I've talked to about the Planning Act and the new rules and regulations is the matter of the committee of adjustment appeals. We have here a writer who "condemns the proposal to take away the right to appeal committee of adjustment minor variance decisions to the OMB."

I realize minor variances—and the terminology is probably part of the problem—aren't all minor. In fact, many of them are major. I believe the minister previously mentioned about very minor things such as an addition to a lean-to garage or something, that sort of thing, and that's quite a different situation. Surely we could look at that and have minor minor and medium-sized variances, some terminology that would differentiate between variances that members should have the opportunity to go on to appeal if they felt very strongly about it, and this particular letter will give you an idea why the writer feels

so strongly about minor variances continuing to be appealable to the OMB.

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"People care profoundly about their homes, their businesses and their rights to make alterations to their properties, or oppose what they fear might be damaging alterations by others. Committees of adjustment normally hear applications over a 10- to 20-minute period and do not permit the leading of evidence or cross-examination and so forth. The committee of adjustment hearing is not a hearing in a judicial sense.

"People therefore rely on the fair, impartial and full hearing that is available to them at the OMB on appeal. They may not always agree with the result but the objectivity, impartiality and fairness of the OMB appeal is a fundamental right that is critically important to the parties involved, and essential to the functioning of the system.

"Committees of adjustment are appointed by municipal councils, subject to reappointment by councils and are often not unresponsive to the reality of political pressures.

"That elected municipal councils should hear appeals from their own appointed committees of adjustment on minor variance matters is an astonishing proposition.

"In order to conduct a hearing as that term is used in law, all members of council would be required to sit through the entire hearing, each of which, on average, would take half a day to a day or more. No member could leave or return because he or she would then miss some of the evidence and be disentitled to decide." We've had that sitting through planning applications—many municipal people. "Instead of acting as a legislative body, they would find themselves acting as a judicial body having to address the rules of evidence, examination in chief, cross-examination, the evidentiary value of exhibits and so forth.

"In the city of Toronto, there are in the order of 200 committee of adjustment appeals each year. It is inconceivable that council could conduct proper hearings for all or even a minor percentage of these appeals." I can agree with that.

"It is simply not appropriate for elected municipal councils which are legislative bodies to act in a judicial manner.

"Further, it is not possible for municipal councils to conduct a hearing function in light of the limited time available to them to do so. They ought to be spending their scarce time on broader legislative issues rather than on what are often disputes between neighbours." Of course, that's true.

"It is not fair to the parties involved to have their appeals of minor variances from bylaws adjudicated by the very council that is responsible for the passage of the bylaw and by elected politicians, who, let us acknowledge realities, must respond to votes....

"With appeals on consent issues going to the OMB and appeals on minor variance issues going to the elected council, inconsistent results would emerge from the same proposal.

"Council as a legislative body passes laws, much like

the Legislature of the province. The OMB adjudicates appeals from decisions relating to those laws, much as the courts adjudicate appeals from provincial legislation. People would find it astonishing that appeals from court decisions concerning provincial legislation should be heard by the Legislature. That is equally so with appeals from zoning adjudications being heard by councils.

"Our system provides for impartial appeals in the context of full and fair hearings from decisions relating to minor variances. The system is efficient and, with mediation and case management, becoming more so. It avoids litigation, systemic congestion, bribery and corruption. These benefits and values would be at risk if appeals were directed to politically elected councils.

"The OMB assesses issues of substantive impact and applies the tests set out in the act. It is shielded from the heat of political passions and pressures....

"Your objective in taking away the right to appeal to the OMB is to streamline and speed up the process." I realize that. "Your proposal is based on what appears to be advice from the commission"—that's the Sewell commission—"that 28% of OMB appeals involve minor variances. It is my understanding, based on advice from officials at the OMB, that that information is not correct. I am told that the commission was advised that only 18% of OMB files involved minor variance appeals and that those appeals take only approximately 6% of the board's hearing time." I know that's still considerable time, but it's small in comparison to the other time.

"As an alternative to making an application for approval of a minor variance, a proponent can apply for a rezoning. Rezoning applications are much more expensive, time-consuming and cumbersome to process than minor variance applications but they do have the right of appeal to the OMB. If that right is removed with respect to minor variances, that would inevitably generate a major increase in rezoning applications and appeals. The result would be counterproductive.

"The law of unintended consequences would indicate that, rather than promoting streamlining, it would lead to anti-streamlining. It would generate more work and more power for lawyers and lobbyists. It would consume far more OMB time than is presently used with minor variance appeals." So I hope that it can be considered a change.

"Many people would be profoundly unhappy at what is essentially a pre-emptive seizure of rights under the guise of a procedural improvement. They would want to keep their right to have decisions made about matters important to them in the context of an impartial hearing where the merits are fairly weighed, rather than in a political forum where the heaviest clout prevails."

For those of you who have served on municipal councils, I believe you know what that means. Those are two important suggestions that should be considered. I expect we'll be hearing considerably more about them.

Coming back to other amendments of the Planning Act—there are many of them—the minister stated there hadn't been a major change in the Planning Act since the 1940s. There was a new Planning Act in 1983, and there

were many changes in the Planning Act at that time but perhaps not wholesale changes.

One of the major changes in that particular act, of course, was the elimination of joint planning committees between municipalities. They were considered unwieldy, they were considered not reporting to the councils, and it was decided that a much better system was to make the local councils responsible for making planning decisions. In most cases, the councils became the planning boards. Many continued planning advisory committees, which reported to the council, but it seemed to have been a much better system when the joint planning areas were eliminated. However, they did serve a real purpose in the smaller municipalities before upper-tier planning came in vogue.

I see there is provision for establishing joint planning boards, but it's left to municipalities to make that decision if they wish to cooperate. When you look at the map of Ontario, you can well see why that should be a possibility, because in the case of many of the upper-tier municipalities the regions and the counties are so large or elongated—I think of Hastings, over 100 miles from north to south—that many municipalities find they have more in common with municipalities adjoining them and indeed would prefer to have a joint planning board with an adjoining municipality because of growth and development that is common to them both, rather than going the other route and being centralized in a county or regional structure.

I think that's another reason why it's better, rather than force counties to have official plans, to request them, perhaps even require them to look at the matter of policies that they then could provide to their local municipalities for inclusion in their local plans.

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The advantage is that if the requirements of the upper tiers regarding transmission corridors and transportation routes are included in local plans, then there isn't the need to fight a battle every time the upper tier wants to do something. We have to remember that in many cases the upper-tier municipalities provide the water and sewer services, which really does facilitate and allow development to take place in many areas that it would not.

As we were saying, there has been a great deal of change in the province of Ontario. We've certainly had a tremendous amount of development in three decades and it's to our detriment, because it wasn't planned.

I've often heard it said that the QEW from Hamilton to Niagara Falls was built in the wrong place, that it should never have been built on the plain below the escarpment, that it should have been built up on top of the escarpment where the land isn't quite as conducive to growing the tender fruit crops to the extent that the other area is.

The problem of saving land for agriculture, for food production—we should be saying that—is that most agricultural products are at a low price, some even below the cost of production. So the agricultural industry needs support. It needs help and it's very important. It's going to be very important to this province.

What is it? The land that we have in southern Ontario will grow more crops, I believe, than any other land in Canada. We can grow such a variety of crops it's just unbelievable. Because of our heat units in the south and the Great Lakes making our climate so temperate, we can grow crops that are not grown to any extent anywhere else in Canada.

Although I believe that the policies that are being foisted on the municipalities, and they are being directed that they follow them, are not flexible enough, I realize that we have to have some very strict rules in some areas, and one is the preservation of prime agricultural land classes 1 and 2. As I said before, I'm continually encouraged by the number of farmers who are full-time farmers, farming for the future and producing the food for all of us who want it that way. They know the importance of it and they say it has to be saved. Many other areas are not conducive to growing crops to economic advantage and that is quite a different thing.

The member for Simcoe East went into great detail and mentioned many of the provisions of the Municipal Act that are being changed, and there are a great number. However, I'm not going to go over them in detail because I think that municipalities and others, developers—"others" will be citizens—will have the opportunity, I hope, many of them or most of them, to make a presentation to the committee on the bill and to give their suggestions.

I appeal to the ministry to listen to those and to make it possible for local municipalities to feel that they are still in charge of their destiny, that they are making the important decisions within parameters of what they would like to be like and what they see as their future.

I met with the representatives of the township of Norfolk the other day, as was mentioned in the House, to discuss their concerns about the Planning Act.

One of the problems at the present time is that most of us are still talking about the Sewell commission report. That was the main event; that's what we know most about. There are some differences between the Sewell commission report and the bill that's before us. We need to know what they are and see whether we agree with them now or not. It's a very important issue and it certainly affects the future of our province. We still are very important agriculturally in the world. We can grow many varied crops, as I said, and we must be in a position to do that. I think the majority of our citizens know that and want that to continue. So the Planning Act will proceed and we'll have an opportunity to speak to it.

There was another section that I wanted to just briefly comment on. That was the matter of the closed meetings. Open meetings and legislation requiring open meetings is nothing new, because the present Municipal Act states that the council must have open meetings, that all councils have to have open meetings. There is no requirement that committees, including committee of the whole, be open. That's unfortunate.

I'm glad to see that change, because citizens need to feel they are involved in their local governments, their provincial governments, and they have the right to attend and hear the debate and the reasoning, the rationale for

decisions that are made that affect their daily lives in the communities in which they live. I'm very pleased to see that the exceptions or the reasons that councils can meet in camera are set out in detail. I think that's good and I did approve of them.

The one question I have about that particular item, however, is that any vote taken shall be in open meeting. I have a problem with that. I guess it needs to be explained, and maybe there is an explanation, but I think it's a detail that we need to have. If you have the vote in open meeting, what are you voting on? You would have to have, it seems to me, the details of the question.

The system that's been followed in many municipalities is that you go into committee of the whole, sometimes in camera, and it has to be specified that it's in camera, on a certain matter. The matter is specified—personnel matters, for instance—and a decision is made. The system I've seen followed is that they make a decision and the members there agree on a certain matter and there's nothing written. That's not a very good system, because the official who must carry out the direction doesn't really have anything to produce to say, "This is what's decided and this is what they told me."

Some councils will pass a motion and it's approved and then when the committee of the whole rises and meets in council, there would be a report that the report of the committee of the whole be adopted, and there's a vote. There's no report and there's no report given; there's no report written. So how does that fit together? I'm not entirely clear on it. Perhaps that's something that should be discussed because, as I said, it's important to have open meetings. I know most councils follow that, although there are examples from time to time of councils that meet in camera because they want to discuss matters in camera without people hearing about it. It's not an acceptable situation any more, because the citizens have a right. They're the ones who are paying for the service, the operation of the municipal council, and they have a right to hear the debate and the rationale. I really do support that. It's time it was.

2110

I think there was a great deal of fear by municipal councils of what might really be brought out and the rules there would be, but if they're following the present Municipal Act, councils don't really at the present time have the right to have in camera meetings of council. They do of committee of the whole. That situation is going to be much improved, and I do appreciate the opportunity for that to happen.

The member for Simcoe East was very adamant that any regulations should be produced and in our hands before the hearings take place so they can be debated or commented on as well. That's one of the things I find disturbing. That's not a new situation where acts are prepared and the regulations come later. The reason for that of course is that many times they're very involved and it takes a long time to prepare them.

It is a shortcoming if regulations are not available to know exactly what is meant, because many times things are going to be in regulations, and of course people tend to be suspicious if it's, "That matter will be dealt with

and all that detail will be supplied in the regulations." Immediately, people suspect the worst. I don't know what kind of detail will be in the regulations in this case, but that's certainly placed with many bills. So I think we need to look at that and get on with the hearings. As I said, I hope we have the opportunity to have hearings across the province.

As was mentioned, one of the problems here is that we really haven't had a great deal of time to look at the act itself, to take the time to read this in detail, and then to take the time to try to compare it with the Sewell commission report recommendations hasn't really been possible for many members. At least I found it very difficult because of the very busy session and the number of committee meetings and the number of bills that are coming forward.

That's an awfully important part of it, and I would hope the ministry is open to amendments that are submitted in good faith with good reasons for why they should be changed. As I said, I hadn't really thought about the minor variance situation to the extent that I should have until I read that letter and the details about that. That's a very, very important matter to somebody.

I've been very concerned over the years with decisions of the OMB, because having been an elected municipal official with what was considered a good official plan, I've run into the problem on several occasions where the OMB would come in, hear an appeal on a severance application that had been turned down, in a prime agricultural area that's in contravention of the official plan, and approve. I have several examples.

What happens is, when you have that in a rural area, here, here, and over there, then other people get the idea, "If that person can have a severance, so can I." Not always. I could never understand why the OMB did not follow the provisions of local official plans more closely than had been my experience over a number of years. It was very disturbing.

I really appreciate the fact that I was really too busy to ever attend an OMB hearing, because I'm sure that it would have caused some problems for me, as well as for the presiding officer. There's no doubt about it. I just could never understand it.

I know it's a judicial exercise. It's like a court dealing with it, and perhaps they would hear evidence, but in many cases the reason the local committee of adjustment turned down the particular application was proven to be right in the long run. That has to do with it not being for the purpose that was stated and that type of thing, but I suppose that's a judgement call.

So planning has gotten to be a very, very contentious process locally. It's gotten to be a very expensive process. I often think, how are we expecting municipal governments to continue to come in with zero increase in mill rates—and I do, as a local taxpayer—provide the services that we feel we need and indeed we should have and are getting, with changes in requirements, and certainly the devolution of the planning process—not the powers, because I don't think we are devolving planning powers to municipal governments, but the planning process is going to increase.

If we require every county in this province to have an official plan, that's going to be a cost. I see the county of Middlesex has just recently decided to have a planning department and that's going to be a cost, of course, and that's their decision. The county of Middlesex does have a policy plan and now the township of Metcalfe has its official plan partially approved. All local municipalities have official plans and have had for many years, going way back, long before many of the municipalities that are now constituent municipalities in regional municipalities across this province have had them. So it's a great concern.

Municipal councillors are struggling and working very hard to do things better, and I admire them for that, because they see it happening all over, to provide the same services or the same services in a different manner at the same or a lower cost, yet they're faced with this. I know most of the regions have official plans, and their lower-tier municipalities, the area municipalities, so they've got that in place, but for those that don't it is going to be a cost. I see the two regions that did not have official plans, both York and Peel, are proceeding. Perhaps they had planning departments before; I'm not familiar with that but they may have had. The minister is nodding that they really did have. Perhaps they were even working on official plans, so that's a different matter. I really feel very strongly that we should not force two-tier planning, that it should be done in some other way.

The other thing I feel very strongly about is the viewpoint of a municipality—I'd better not mention a name because it doesn't come to me at this particular time—in a region saying that it should have subdivision approval powers and some of the other powers. The example they gave was that if the city of London—and it's a very large city now, as we know, and I guess it applies to all the separated cities—in time may have the power of approval of subdivisions and some of the other things, why can't cities like Mississauga and Burlington and a great many others through the GTA or across the province? I support that.

I think we need to look at the simplest, least costly way to provide the planning process. All municipalities are involved in planning, and we need to streamline it. Over the years, millions and millions of dollars have been spent on the planning process. A lot of citizens really resent that sort of thing because there's nothing tangible. I suppose they resent it even more when they see something develop or take place that they had fought against and it is successful.

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I know official plans need to be flexible, and they are, but really there have been a lot of mistakes made, haven't there? I often think of the OMB and its decision in Burlington, where the city of Burlington decided a few years ago that it would provide service in a sequential manner in area after area, going from the QEW north to Highway 5, and there would be some areas in the north part of Burlington that would not be serviced or developed for maybe a decade or so.

I well remember there was an OMB hearing for an area quite some distance from the developed and serviced

area. The development was approved by the OMB, and the council of the city of Burlington was ordered to provide the services forthwith to that area. That's not local decision-making and it's not elected decision-making; it's decision-making by an independent body that for some reason or other decides to go against the will of the municipality, which was doing it primarily for economical purposes. It was economics that had forced them, and they had dealt with this and they said: "This is how we're going to develop. The entire city of Burlington isn't going to develop in one year, and we're not going to develop the remote areas until we're prepared to service it, and that's going to be done over a number of years."

It seems to me that's good planning. On the other hand, we have decisions made on major, major commercial developments that really spell the death of the central cities, and that's one that's beyond me. It'll have to be dealt with by the planners of those municipalities.

I do see such a tremendous difference in the province of Ontario, though, where you have the regional municipalities, most of which were established in areas that are going to be completely and fully developed within the foreseeable future. That certainly has happened. Growth was so fast, and regional government was established as an upper-tier urban form of government to provide for and handle that development.

Now we have a case, of course, where there's at least one regional municipality where it was expected there would be a great deal of growth and development, and that hasn't happened. While we won't use the term "rebellion," there's a great deal of antagonism towards the regional government. The people want that changed, and the ministry is looking into that. I'm hoping that I can attend some hearings on that when the hearing dates are established this summer to see what the best form of local government—I remember someone saying: "Let's look at the area. What is the best form of government?"

I think the days have changed when two-tier governments were an absolute must, and I don't know that we really should be forcing areas to stay in two-tier governments if they fully realize what they're facing and the services they must provide and the decisions they will have to make as single-tier municipalities.

Of course, we do have lots of examples of single-tier municipalities that are operating very successfully. We have a number of separated cities still. We do have two examples in the province of Ontario of what are called single-tier regional municipalities. The two examples that were given were the city of Thunder Bay, where two cities and several townships were amalgamated, and the town of Timmins, where several municipalities were amalgamated, and the term was used that they're single-tier regional governments, so to speak. I don't know whether the term rings true. Then of course, there's the unicity form of government.

I'd better get back to the subject at hand. I'm pleased to have this opportunity—

Interjections.

Mr Eddy: I'm doing all right?

Mr Chris Stockwell (Etobicoke West): You're doing well. Good job.

Mr Eddy: —on Bill 163, which contains so many important matters to the municipal governments across this province of Ontario. I really invite and hope that the municipal councils will look at this in detail, that the municipal associations will get responses to us, because I don't believe they've had the opportunity maybe to deal with the bill itself and the recommendations in it, the actual changes, to the degree that they wish to. They perhaps haven't had the time, but in preparing for presentations to the committee—I certainly hope to sit in on some of the meetings of the committee to hear and/or read the presentations and hear what's being recommended, because this is a very important bill to the citizens of the province of Ontario, the developers, businessmen, municipal councillors and I guess just about everyone, because this is a big change. Changes are coming, there are going to be changes, and we're going to be living with a new set of rules in the planning area that will affect us. So, please, let's hear what you have to say about it. I'm anxious to, because I have some strong views on it.

I feel very strongly that we're not giving as much power to the municipalities as we should be, that in many cases we're increasing their costs, and I think many municipal councils are going to be very unhappy with some of the recommendations here. But I also realize it's up to them to come to grips with it and make their presentations so that we all have the advantage of hearing what they think about it and what changes they would like to see, if any.

Thank you, Madam Speaker, and I do appreciate everyone staying awake for this presentation.

The Acting Speaker (Ms Margaret H. Harrington): I thank the member for Brant-Haldimand for his contribution. Are there questions or comments by the members?

Mr White: I want to compliment my colleague for his excellent remarks. As always, he's generous and complete in his description.

I would like to comment a little bit about the issue of flexibility in plans, because certainly what we're talking about here is a situation where people who want to develop their properties, municipalities that want to plan for their futures, will have an opportunity to do so, will have clear guidelines set up in the province which enable them to take power for themselves. This is empowering legislation, legislation which allows people to make decisions in their lives and in their communities.

Mr Stockwell: What are you talking about?

Mr White: We're talking about a situation where developers will know what the rules are. The rules will be up front. They won't have to continue to appeal to Queen's Park for what the answers are. They will have the opportunity to know what they are beforehand, to look up what the guidelines are, how they develop their properties, how municipalities move forward. They'll be able to do that in a way that they have never been before.

Mr David Tilson (Dufferin-Peel): What is an OP?

Mr Stockwell: Tell me what an OP amendment is.

Mr White: In the past, they had to beg Big Brother at Queen's Park, Big Brother Tory. Now they will have the opportunity of knowing what the guidelines are. Whether it's the wetlands policies, the GTA policies, they'll be able to know what they are, and they will have flexibility within that broad parameter.

I think those are issues my friend was able to highlight. They are things which make municipal government easier, because those people at the municipal level will be able to say: "Where are we going? What is our official plan? How did it have to be consistent with the province and with our upper-tier municipality's?" Those certainly make the issues in front of us, in front of development, easier. It makes jobs easier to create, developments easier to put into place, when they know where they're going and how to do it, with those broad parameters.

Mr Alvin Curling (Scarborough North): I feel quite honoured to address my good friend from Brant-Haldimand. If there is anyone who understands the municipalities and the power they can handle and the services they need, it is my colleague from Brant-Haldimand.

I hope the government is listening—somehow I have a feeling that it was tonight—to what he was saying about the empowering of municipalities. As he pointed out, it is not a matter of empowering municipalities that this report has reflected, it's a downloading on to the municipalities, and we must be extremely careful. Governments from above all the time seem to hand down these responsibilities without any kind of financial support, and then the blame can be laid on the municipalities. So, as he pointed out, we must be careful how we define "empowering" in this respect. As you know, his history and his experience in the municipal sphere should be listened to very attentively and carefully.

2130

Quite a few of the members here—and I see the Minister of Municipal Affairs—understand the issue. Although he has worked very closely with Mr Sewell, and I myself know the kind of work he has done—

Mr Mammoliti: Alvin, why did you stand up? Is there a reason why you're standing up?

The Acting Speaker: Order. Please allow the member to continue.

Mr Curling: To the member over there, if you want a special briefing from me, you may come later on. But you should go over the Hansard from my colleague. You would learn a tremendous amount. I want to commend him for the excellent presentation he has given. I look forward to you looking at those recommendations and adhere to them.

Mr David Johnson: It's a little hard to one-up on that one, but I would like to say to the member for Brant-Haldimand that he did bring a lot of light on to this topic. I see the minister over there listening intently. The minister has indicated to us that everybody is content with this, that there's been consultation, years and years of consultation, and that all the municipalities are in agreement and everybody's in agreement. I wish it were so.

The member for Brant-Haldimand in his speech was

pointing out some of the pitfalls; for example, this issue of "have regard for" and "be consistent with." Up to this point in time, in the municipalities' official plans the wording was that they would have to "have regard for" the policies of the province of Ontario. The member for Brant-Haldimand has brought that forward. That's a big difference from what is being recommended here tonight: "shall be consistent with." That removes all the flexibility for the municipalities across the province.

I can tell you, there are many different circumstances in the province of Ontario. If the minister and the government are of the opinion that the wording that is introduced in this bill tonight is going to promote economic development in Ontario, you've got another think coming. This whole bill was put forward years ago because of concern for the environment, which is commendable. We have no problem with that; the member has no problem with that. But let's not confuse that with a bill that's going to encourage economic development in the province of Ontario—absolutely not. The words "shall be consistent with" are going to scuttle development in the province, particularly in the rural areas. The member for Brant-Haldimand knows that well and he's pointed that out.

Mr Hayes: I will compliment the member from the opposition on the remarks he made. I don't agree with everything he has said, but he certainly has done something the Conservative Party didn't do: Both opposition parties were invited to come to a briefing by staff in Municipal Affairs, and the member from the Liberal Party at least showed up. It shows that that briefing did some good and he got some good information out of that.

The member talked about exempting the small municipalities, those with less than 5,000 population. What that would mean is that approximately 600 municipalities, or roughly three quarters of them, would be exempted from this bill, and we don't see any reason why a smaller municipality, because they have fewer residents, should not have open local government or should not have to meet the conflict-of-interest rules.

Comments were also made that there's nothing in this bill that will create economic development. There certainly is.

I'd like to quote a letter from one of the developers, Mario Romano, president of Castle Point Development Corp. I don't have time to read it all. He's in the gallery here today. He said, "I might also take this opportunity...in particular, the provincial facilitator's office, which has been vital to us in resolving and averting possible problems."

However, they had fears like others did about the New Democratic Party. They say, "You have done more for our industry, the efficiency of the marketplace, than any previous government." I think that's pretty good. It says it's working.

The Acting Speaker: The member for Brant-Haldimand has two minutes to respond.

Mr Eddy: I appreciate the comments made by the members for Durham Centre, Etobicoke West, Don Mills and the parliamentary assistant. But I want to make it

absolutely clear that I do have some concerns about the bill, and certainly my constituents do. I'm hearing from them. They want it simplified. They are afraid of the additional costs, and that applies to some areas more than others. But mainly it's the concern that there isn't the flexibility that there should be, that the policies that have been developed, as the letter said, without a lot of consultation—they may be based on other papers, but without a lot of consultation—are there, they're the law, they're like statutes and they must be followed, and that's causing a great deal of concern.

But I'm hoping that during the hearings, hearing presentations and the fact that there may be amendments even by the government, we can get on with a new planning process in Ontario that will facilitate planning and facilitate important decisions in our local communities for development where there should be development.

The Acting Speaker: Further debate? The member for Dufferin-Peel.

Mr Tilson: I'd like to make a few comments with respect to this bill. I had two speakers go ahead of me, aside from the minister, the member for Brant-Haldimand and the member for Simcoe East, the critics for the Liberal Party and the Conservative Party.

The biggest problem many of the opposition members have in this place is the shortness of time to properly review exactly what this bill is saying. I've had discussions with municipalities in my constituency, with AMO—my staff called AMO today—and they said they really haven't had an adequate time to properly review it.

I know this bill will be going to committee and we'll spend some time in committee hearing delegations from municipalities and education people on all kinds of issues, but I can only say it's regrettable that we're allowed such a short time to prepare. This is another one of the many bills crammed into this short space before we rise for the summer.

This bill did receive first reading by the minister on May 19th of this year, and these amendments, as we know and as the minister has said, are based on the final recommendations of the Commission on Planning and Development Reform which was announced on June 6, 1991, by the member for Windsor-Riverside when he was Minister of Municipal Affairs.

Mr Sewell, the former mayor of Toronto, was appointed the chairman. Mr Penfold and Toby Vigod were appointed as commissioners. The purpose of this commission was to restore confidence in the integrity of the planning process and to make the system more efficient and to protect the environment, reduce red tape and clearly define municipal and provincial affairs.

I don't think it's met this mandate, I don't think it's met this attempt. We have already heard from a number of municipal people. Mayor McCallion has indicated what her thoughts are, and a number of others, and there will be more as more people have an opportunity to review exactly what this bill says.

2140

Mr Sewell and his commission put forward 98 recommendations to address these concerns. They had public

consultations. I know they met in my constituency of Dufferin-Peel, they went all over this province, and they put forward 98 recommendations to address these concerns. The commission identified several areas of concern, including too much red tape, delays in hearings, decision-making, lack of environmental protection and too much complexity.

There is going to be criticism that this legislation is creating yet another bureaucracy and another set of delays and another set of complexities. It's already been said that municipalities will need more and more consultants to assist them with this process.

Mr Callahan: Jobs Ontario.

Mr Tilson: The member says, "Jobs Ontario," but the fact of the matter is, more and more consultants will be needed by the municipalities. The municipalities won't be able to afford these consultants, and guess what? Guess who's going to have to pay for that? The property taxpayer.

It's a prime example of a problem the province hasn't been able to resolve. It's passed it on to the municipalities and the municipalities are going to have to pay for it. It's going to be a very expensive process to the municipalities, and when it's revealed I think we'll be shocked.

In December 1993 the minister announced the government's response to the commission's work and published a number of policy statements, and of course there's been some history since then in terms of where we've gone.

The bill is really an omnibus bill, and I don't intend to spend my time—because I don't have it, quite frankly—on all the issues. It's quite a complicated bill. I don't know how many members over there have read it, but it's a very complicated bill, at least I find it a complicated bill.

The bill has five parts. The Ontario Planning and Development Act, 1990, is repealed and is replaced with a new one called the Ontario Planning and Development Act, 1994.

Part II replaces the Municipal Conflict of Interest Act. This is the part that I would recommend anyone who is running for municipal office should have a long, hard look at and realize what you're getting into. You're about to embark on a municipal career, hopefully get elected in the fall, and you'd better know what this means because it means you're going to have to have more disclosures than the people in this Legislature—

Mr Callahan: On a point of order, Madam Speaker: I think this is a very important issue we're discussing. We're sitting here till midnight to deal with these matters, yet the government has not maintained, as is its obligation, a quorum.

The Acting Speaker: Will the clerk please determine if a quorum is present.

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present, Speaker.

The Acting Speaker: The member for Dufferin-Peel has the floor.

Mr Tilson: The second part, as I indicated, replaces the Municipal Conflict of Interest Act and has a whole new set of sections. There's going to be 24 sections. I recommend that all those who are seeking municipal office read those because it's going to have a major effect on your careers.

For example, each person elected to local government must disclose assets, liabilities, and sources of income. There are new procedures for disclosure of pecuniary interest by all local government representatives and so on. The time that's allowed—I don't have the time to go into great details, but there's going to be major criticism about that.

Part III deals with planning amendments, and these amendments are intended to streamline the planning process.

Part IV contains amendments to the Municipal Act to create more open local government.

Part V is made up of amendments to a number of pieces of legislation to make them consistent with the Planning Act, the Municipal Act and the Ontario Planning and Development Act.

Those are the five sections, very complicated. It will require a great deal of time, by the committee, to review all these sections and to determine whether the legislation is correct.

I have had an opportunity to discuss this bill with a number of people, notwithstanding the short time we were allowed to prepare. One of the groups that has expressed a major concern is the Greater Toronto Home Builders' Association, and I know we're going to be hearing more from them. They have prepared an excellent paper. If any of you have an opportunity to obtain it, I'd recommend that you do that, because it is quite critical of this bill. I'd like to review some of the things said in this paper.

"The reform package has four main impacts.

"1. Applications must be processed and responses made quickly or not at all. The amendments to the Planning Act set up a quick-march system of the frames for processing applications....

"2. The provincial policy statements will in fact govern decisions."

When you start talking about more open government, yes, the municipalities will be providing the service, but it's going to be based on provincial policies. In other words, the province will not be paying for this, this will be paid for by the municipalities; the cost of administering the whole planning system will be paid for by the municipalities based on statements that have been implemented by the provincial government. Once again it's an example of Big Brother coming in with the big stick and hitting the municipalities.

"3. Environmental considerations and procedures are integrated into the decision-making process under the Planning Act. Planning and development decisions will be based on ecosystem planning considerations."

I have been told that one of the concerns is that if you want a severance, you're going to have to have an environmental assessment, whether you're an individual or whether you're a corporation. The problem is that the little guy is going to be once again hit by this, because who can afford all these consulting fees, these requirements that are going to be put on by the municipality?

The fourth of the four impact items from the reform package is: "Elimination of minor variance appeals to the OMB means either full-scale hearings will be conducted at the municipal level or minor variances will be processed to rezoning applications with appeals to the OMB."

The problem with that is that traditionally the OMB has acted as a judicial body and has made many decisions, good decisions; for example, the issue of variances. Often variance decisions are made by municipal governments and are then appealed to the OMB, and the municipal government may have made a decision based on political reasons. The OMB has been an unbiased body and has made good decisions, and there are a lot of people afraid. They value their property rights, and to make decisions on their property rights on political as opposed to judicial reasoning simply is giving a lot of people many concerns.

The new legislation, the new act, requires planning decisions to be consistent with policy statements issued by the minister. So I repeat, when you say you're going to be having open government, it's not quite the case. It's based on provincial principles.

The minister, when he introduced the package, said in his statement, "Municipalities will be given greater control of the development process." Well, there's at least one mayor from a fairly large municipality, Mrs McCallion, who has made a statement that's been reported in the press, and she said quite frankly that she doesn't agree with that. In addressing the Urban Development Institute national conference on June 2, she said the government "was imposing policies from above, leaving municipalities with sometimes difficult and expensive dregs of implementation."

"Policymaking moves up the ladder to the ministerial level. Implementation responsibility moves down the level to the municipal level. The significant policymaking role of planning, whereby the structure and character of communities is determined, moves from the grass roots to the ivory tower. Microplanning moves down to the local level. The idea is that by making planning policy top-down and planning implementation bottom-up, abuses will be eliminated and approvals will be accelerated."

2150

I understand what the government's trying to do. They're trying to reduce delays. But at all expense? Because it's going to cost more. It's going to cost more to the municipalities. Regional municipalities, except Metro, will approve official plans. Cabinet can prescribe the contents of the official plans, but the act requires official plans to be directed primarily to the management of "physical change and the effects on the social, economic and natural environment." That's reference to clause 16(a) of the act. As well, the processes and materials

developed for environmental assessment may be used in preparing official plans.

One of the concerns of course that has been put forward by some of the municipalities that have had an opportunity to review it is that some of the smaller municipalities simply can't afford to do municipal plans. Where are they going to get the funds for that? Where are they going to get the money for that? Because it's going to be mandated that they do it. There's only one answer: That's from the property taxpayer.

Other municipalities that have official plans—and they've gone through very expensive processes to get that far—may, as a result of this legislation, have to review their official plans, may have to redo many of their official plans. That too will result in a major expense to the municipalities. So this planning process that this government is trying to improve is being proved on the backs of the property taxpayer. That is one of the major concerns, I think, that is going to come forward as the hearings are revealed.

The act mandates a management manual, breach of which could be fatal. Action time frames are stipulated for all parties involved in processing planning applications. It will be very difficult—and this is one of the concerns that has been expressed—for example, to meet the 15-day time frame. Holidays, spring break, Easter, pre- and post-election periods pose serious problems to the municipalities.

Municipalities may, as a matter of prudence, simply manage approvals in order to avoid having to give notices and so forth during such times, and this would cause processing delays. You can see from the start the fear of bureaucratic quagmires, which municipalities are revealing themselves. The municipalities have a great deal of worry.

One of the other concerns that's been expressed by many—UDI sent out a newsletter some time ago expressing its concerns on the fear of the property owner; it gave the example with respect to the wetlands discussions—basically the fear is that these provisions will sacrifice the rights of the public on the altar of expediency. In other words, that's what the government is trying to do. They're trying to make the process expedient but at all costs.

It's not going to be a cost to the provincial government. The whole expense and the whole philosophy of this government has been to pass the buck to other things in the same way it has with corporations, where it has created these new corporations to own the debt of this province and thereby really mislead the public of this province with respect to where we stand on our provincial debt. This will be another example. This whole process of debt that could result in this process will now be passed on to the municipalities.

The time frames are very tight for the private sector. Objectors lose their rights to appeal if they do not object within the mandated time frames, which are generally 30 days from the time of the mailing. Again, it's not just the issue of municipalities that are afraid of this, but the private individuals as well.

With respect to zoning bylaws, municipalities will have a new environmental zoning bylaw and that sounds interesting, except you wonder what the effect of it is going to be. For example, they include the power to prevent any construction whatsoever on land that is—and I'm referring to section 34 of the bill—"hazardous, subject to erosion or to natural or artificial perils." They may pass zoning bylaws prohibiting any use whatsoever of land or use or construction of buildings on lands that are contaminated, on groundwater recharge areas, headwater areas or areas which contain sensitive aquifers.

This of course leads me to the best part of the bill, because my time is fast disappearing, the subject of the goals. The new act charges a number of other statutes with respect to the Municipal Act allowing bylaws to prevent the placing of fill on alterations or grade.

The town of Caledon just passed a private bill with respect to that. I'd be interested in looking forward and hearing more from the committee work as to whether it will affect that piece of legislation. They also put forward a number of goals with respect to natural heritage, environment, protection and hazard policies. The heritage committee in Caledon has expressed some concerns that perhaps the definitions with respect to heritage haven't been properly defined.

Goal number 2 is one that I simply can't miss. These are policies that are being put forward by the province which the municipalities will be obliged to follow. Goal number 2 says, "To ensure that wetlands are identified and adequately protected through the land use planning process and to achieve no loss of provincially significant wetlands."

Do you know what I think of when I read that policy? Some co-op down on Toronto Islands called Flying Toad which is being built on wetlands. In fact, there's a protective wall around this area to stop the water from coming in. All of the buildings are going to be built on stilts.

This would contravene goal number 2 of this legislation, and yet I think it was Bill 61 that says: "No, you don't have to worry about any laws, any municipal bylaws or provincial laws. That's the way they can do it. You can do anything you want with respect to Toronto Islands." But the development that's being planned for Toronto Islands already violates goal number 2.

Then there's another goal which I simply can't miss, and that has to do with agricultural land policies. For example, they say, "The goal of this policy is to protect prime agricultural areas for long-term agricultural use."

I must say, as the critic for the Ministry of Environment who has been watching the IWA create three sites on prime agricultural land in the greater Toronto area—specifically, I know, for example, that the superdump that's being built in Bolton is being built on prime 1 agricultural land. That site would not pass the test being put forward by the Minister of Municipal Affairs to protect prime agricultural areas for long-term agricultural use.

What gall to put the people of Caledon and of Vaughan and of York through all the absolute hell that they've gone through with respect to these three super-

dumps. You've ruined many of their lives. You know these three superdumps are going to simply ruin their lives, they're going to ruin the area. Worst of all, they're going to ruin prime agricultural land, and you have the absolute nerve to put in your bill a goal that says that you're going to protect prime agricultural areas for long-term use.

A lot is going to be heard. I can guarantee you, Mr Minister, that the representatives from those three areas, the ratepayers' groups, will be coming to the public hearings. You better listen to them and you better have a good answer as to why in the world you're putting dumps on prime agricultural lands and you have the gall to put this provision in this bill to say that you're trying to protect prime agricultural areas for long-term agriculture use, because you're not, and you know you're not, with your waste management program.

Hon Mr Philip: You cut 20% off the agricultural budget.

Mr Tilson: Listen, give me a break here. You're putting dumps on prime 1 agricultural lands. You know it and you're violating the bill which you're put forward in this House, and there's no excuse for that.

You're no better than the Liberals when they tried to put a dump in Whitevale without an environmental assessment. Can you ever forget Bob Rae standing at Whitevale and saying, "There's not going to be a dump"? He's the guy that called the former Premier of this province a you-know-what, yet you're worse than any of them for putting this policy forward. You're going to put a dump on prime agricultural lands and you have the gall to come here and say you're trying to protect the farm lands in this province.

Mr Mammoliti: No, he's worse.

The Acting Speaker: There will be a chance for every member to comment. The member from Dufferin-Peel has the floor.

2200

Interjection.

Mr Tilson: No, no, I won't.

Madam Speaker, thank you for bringing some order to this place. It's difficult sometimes to stand up and—I would like to carry on with one other subject. I've got a very few brief moments left. That has to do with minor variances.

I have been referring to a paper that has been prepared by the Greater Toronto Home Builders' Association. I'm sure they will make it available to any member. I admire them for moving so fast, considering the fast process of how this bill is moving. With respect to minor variances, they say:

"In a direct attack on the rights of property owners, both for those for and for those against development, the act takes away their ability to appeal minor variance decisions to the OMB. Because of that right to appeal to the OMB, applicants and objectors do not assist on the full hearing they are entitled to by the Statutory Powers Procedure Act at the committee of adjustment level. The new act allows council to make minor variance decisions. If it does so, it may have to conduct full and proper

hearings for each application, and council's decision will be final."

In other words, the whole process has become political. The whole process will not be based on sound judicial decisions but will become political. I can tell you, when the property owners discover that, they simply won't stand for it. People, as I have said, care profoundly about their homes. I'm sure the members up here who are busy making remarks care profoundly about their homes and their businesses and their right to make alterations to their properties or oppose what they fear might be damaging alterations by others.

Committees of adjustment generally hear applications over a 10- to 20-minute period—for any of you who have been on one of those, and I expect many of you haven't, that's about how long it takes—and normally do not permit the leading of evidence or cross-examination. Committee hearings are not hearings in a judicial sense. If decisions haven't gone the way they wanted, either for or against, people have the right to rely on the fair, impartial and full hearing available to them at the Ontario Municipal Board on appeal.

Our system, like any other system, sometimes produces wrong and hurtful decisions. What makes them tolerable is that the process is fair and impartial. I must say, I question whether the procedure that is being created by this government will be fair and impartial. I submit that it won't, because in order to conduct a hearing, as the term is used in law, all members of council—and again all those of you who are running for office, listen to this because you're going to have a whole slew of new burdens put upon you—in order to conduct a hearing as to how the term is used in law, all members of the council would be required to sit through the entire hearing.

The hearing would consist of examination in chief, cross-examination, submission of evidence from expert witnesses, including planners, traffic consultants, architects, urban design consultants and so forth. Each hearing would, on the average, take a day and a half or more. Those of you who are seeking municipal office—and I've heard stories that some of you in the government will be seeking municipal office in the fall—remember that you're now becoming a judicial body and you're going to have to spend a day and a half on many of these decisions.

Some hearings have taken in excess of a week. I remind members of this place and any councillor who wishes to seek office, no councillor would be able to leave or return during the hearing because he or she would then miss some of the evidence and be disqualified from deciding. Instead of acting as a legislative body, council would find itself acting as a judicial body having to address the rules of evidence, examination in chief, cross-examination, the evidentiary value of exhibits and testimony and so forth.

Municipal councillors are going to have to become very qualified in this area of the law. I suspect many of them will have to take courses and training, because with due respect, I question whether many of them will be able to do it.

The city of Toronto has over 1,000 minor variance applications in a normal year. That's another problem, because council, with all the work it does in the municipal field, simply does not have the time to conduct such hearings. It must spend its scarce time on broader legislative issues.

Remember that many of the councils in the province of Ontario are part-time positions. They're not full-time positions like many of the councils in Toronto. They're part-time positions. They have other jobs. They're simply not going to have the time or the ability to do what this legislation is asking to be done.

The parties involved may be content to have their appeals on minor variances from bylaws reviewed and adjudicated by the very council that passed the bylaw, and elected politicians who let us know must respond to votes. That's the problem. The persons who pass the bylaws are then going to be making the final decisions on these things without any appeal. It's like judge and jury, and it's all over.

The right to appeal to the OMB is gone for ever. I submit that our present system is an impartial system. It allows the right to appeal to the OMB, and that is for ever gone. The OMB assesses issues of substantive impact and applies the tests set out in the act. It's shielded from the heat of political passions, as we see in this place, and pressures, and I think generally speaking the OMB does fine work.

There have been other concerns put forward with respect to this legislation. The whole Sewell commission was referred to as being for the big city and doesn't consider the differences out in the countryside, in the rural areas. I think you're going to find a lot of concerns about that.

School boards, which are continually trying to plan for accommodation, are concerned. They are submitting already that they don't have the right to participate in expansion with respect to development. They're responsible for building schools and for providing the education. There doesn't seem to be any process that enables the school boards to become part of the process with respect to development.

That's another matter that I hope the government will consider with its amendments, that is, to enable school boards to talk about the availability of school accommodation and the adequacy of school sites. That has been a concern that has existed. Many of you who have been on municipal councils and school boards realize that, and this act seems to have failed to deal with that.

My time has expired. I look forward to hearing many of the delegations that will be coming to the committee, hearing their concerns. I hope this government and the minister will listen to their concerns. There are going to be many, many controversial issues, and I hope he will be prepared to make substantial amendments to this piece of legislation.

The Acting Speaker: Questions or comments to the member?

Mr Hayes: I'd like to thank the member for Dufferin-Peel for his participation. I only have time to touch on a

couple of points, especially the one dealing with minor variances. I'd like to tell the member that a minor variance is just that: a minor variance. We think these are issues that municipal councils should properly deal with. They deal with a large number of other complex issues. I'm sure they can handle these.

This would enable the OMB to concentrate on more significant planning developments like the official plans. Besides that, for the member's information, if the member is concerned about the workload on the municipal councils, the decisions certainly could be delegated to a committee of adjustment.

There's another issue here when you talk about environmental assessment. The bill does not create any additional requirement for environmental assessments. I'd like to just make that very clear.

The other area here is, the member gets up and talks about the burden we're putting on local municipalities and the costs and all these kinds of things. At one time he seems to be trying to defend the local politician, and then at the next breath, he gets up in this House and says that minor variances should go to the OMB and they shouldn't be dealt with by the local politicians because local politicians play games. I think that is really an insult to local politicians in this province.

In the other area about the cost, there's been a lot of duplication in planning between the province and the municipality. This piece of legislation would certainly streamline the process and it wouldn't cost a lot more money like the member tries to indicate.

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Mr Callahan: I'd like to address, in the few minutes I have, the question of the minor variance. The member for Essex-Kent says a minor variance is exactly what it says: a minor variance.

I'm not sure whether he came from municipal council to this august building, but I spent 16 years on city council and I can tell you as a matter of practicality we had numerous applications that were made to the committee of adjustment which were nowhere near minor variances. They were attempts to rezone through the process of the minor variance through the particular body.

What happened was that the council would get these decisions back and would say clearly, each member of council would say, "This is not a minor variance." So we would move to appeal it to the Ontario Municipal Board.

What this government is doing now by the implementation of this act—I hope the minister is listening, because I think it's very important—is that it's now going to permit and encourage people who wish to rezone lands, rather than going through the normal process, which requires accountability and information to the public, is going to allow them to get it through the minor variance provision.

The net result of that will be that he will have taken away from the municipal councils a right which was given to them to protect the interests of the community by ensuring that the process was not abused and that minor variances which did not constitute exactly what it says, a minor variance—a minor variance, as you know,

is normally that if a bylaw requires a setback or a side yard of two feet and you're two inches or three inches short, you can go the minor variance route. My experience has been that often minor variances were used to rezone properties without all the protections that were built in for the purposes of rezoning.

The Acting Speaker: Further questions or comments? The member for Etobicoke West.

Mr White: Oh, come on, he wasn't here. You can't respond to a member when you weren't here.

Mr Tilson: He was watching on TV.

The Acting Speaker: Does the member for Etobicoke West wish to comment?

Mr Stockwell: Yes, but Madam Speaker, I hadn't said a word and already the cackles were rising.

Interjections.

Mr David Winninger (London South): You were never better.

The Acting Speaker: Order.

Mr Tilson: Give him another minute. He hasn't even said anything and he's only got a minute left.

The Acting Speaker: If the member would like to comment, please go ahead.

Interjections.

Mr Stockwell: Thank you, thank you, thank you.

Mr Tilson: You guys won't even let him hiccup.

Mr Stockwell: Thank you very much, Madam Speaker. It's also—

Mr Callahan: I think the clock should be set back.

Mr Anthony Perruzza (Downsview): On a point of order, Madam Speaker: The member lost about 40 seconds without saying a word. I move unanimous consent that he be given back his full two minutes.

The Acting Speaker: The member from Etobicoke, please continue.

Mr Stockwell: Continue? I was just going to take my two minutes to comment on the member for Dufferin-Peel. He brings to this a very historical view because he was a member of council in Orangeville, and he offers, with respect to the minor variance issue and some of the other issues that come before council, the need of councils to pass bylaws and then rule on minor variances to those bylaws.

It has long been an interesting conundrum that local councils are in when they are asked to rule on decisions they have made with respect to minor variances. It's something that probably could have been examined a little more closely by the Ministry of Municipal Affairs, something that I think a few councils would like some clarification on because there is, in my opinion, sometimes a conflict when dealing with the same issue that you've passed specific bylaw regulations on.

Ms Haeck: I want to point out to the member for Dufferin-Peel that there are a lot of my constituents who are involved with ratepayers' groups who are exceedingly anxious for the open-government legislation. They have been monitoring what has been going on in their respective city halls. They are very much concerned about the

process by which decisions are made. They're wondering about influences. They have concerns about having public meetings and being fully apprised and fully involved in those decisions.

The open-government legislation that the Minister of Municipal Affairs and his ministry staff have put together meets the concerns of my residents admirably. In speaking on their behalf this evening, I have to say that it's about time. It's taken far too long to get to this juncture, and I think that with the questions that are happening at local councils, it's exceedingly important that these regulations are in place.

I also wanted to briefly address the issue of agricultural lands. I have an organization in my riding called the Preservation of Agricultural Lands Society that commends this government heartily for two programs that we have brought into place: the Niagara tender fruit lands program, and then also the Sewell legislation, because it will protect specialty crop lands that are in the shadow of urban development.

I hope that the member for Dufferin-Peel, when he looks at his own document, the supposedly Common Sense Revolution, which turns around and cuts 20% out of ministries like the Ministry of Agriculture, Food and Rural Affairs, like the Ministry of Municipal Affairs—we would have none of these programs and my constituents would be sorely disappointed that they would not have access to these programs.

The Speaker: The member's time has expired. The honourable member for Dufferin-Peel has up to two minutes for his reply.

Mr Tilson: Most of the comments had to do with the issue of minor variance. There are many things in this bill that we can talk about, but I can tell you that those municipalities that have spoken to me have indicated that they're not satisfied with the whole process of the minor variance stopping with the municipal council and that they believe what is going to happen is that people will lose confidence in that system.

Instead of making an application for a minor variance, what they will do is apply for rezoning, and these applications cost more, take longer, are more time-consuming, are more cumbersome than the minor variance applications, but the best part of it all is they have the right to appeal to the OMB.

That's very important to people. That lack of political influence that has so often happened with respect to municipalities. Removing the right for minor variance applications will simply increase zoning applications, rezoning applications and appeals, and I would suggest that the result of that will be counterproductive.

Some people will simply take the position that a council is a legislative body, enacts laws, as does the Legislature. The OMB adjudicates appeals from decisions relating to these laws. Much of the courts adjudicate appeals from provincial legislation. So I can say that appellants would be as uncomfortable to have their appeals from court decisions concerning provincial legislation decided by the Legislature. That's like this place passing a law and saying: "Okay. We're going to

have a committee that's going to decide whether that law has been complied with." In other words, to do away with appeals to the courts. The same feeling is going to develop with respect to minor variances and municipalities, so to the minister, I would suggest you reconsider that proposal.

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The Speaker: Is there further debate?

Mr Hayes: I'm proud to participate in this debate about the proposed package of legislative amendments and policy statements to reform land use planning in Ontario. As parliamentary assistant for Municipal Affairs, I feel very strongly about these reforms and the benefits they will have for Ontarians everywhere.

Some people can't understand why this is an important topic. It is of interest only to people over at city hall or in the development industry, they say. I say they are wrong. Land use planning directly affects the lives of everyone in our community: farmers, home owners, cottagers, builders, local government people and those concerned with preserving the environment.

It affects jobs, and it affects spending. Land use planning determines how many sites will be developed for residential, commercial or industrial uses. In fact, it determines whether new construction can happen in our communities at all.

It also affects how land is developed, whether agricultural land will stay in farming and whether significant natural features like river valleys will be preserved. This is no abstract topic reserved for those who make a living at it. It should be of interest to us all, because it affects us all.

I'd like to limit my remarks to three aspects of the proposed reform package: environmental protection, municipal empowerment in the planning system and open, local government. As the representative of a rural riding, I'd like to focus my thoughts on what planning reform will mean for rural Ontario.

When we introduced Bill 163 on May 18, we were particularly pleased with the level of support offered by our stakeholders. We were able to announce that representatives of the development industry, environmental groups and Ontario municipalities would come together on an advisory task force chaired by our provincial facilitator and help us with the practical aspects of implementation.

The following day on CBC's Radio Noon program in Ottawa, the chairperson of the rural section of the Association of Municipalities of Ontario said: "Basically, we're quite pleased with the document as it was presented yesterday by the minister. I think I was most pleased by the facts in the first part of the presentation, where Mr Philip acknowledged that good planning can best be accomplished by the people affected by it—so that's the local level of government. We're quite pleased to see that." That was the chair of the rural section of AMO.

In rural communities, some people feel that Queen's Park has meddled too much, putting a stop to even small building projects on agricultural land. Others feel that government has been too lax, permitting too much prime

farm land to disappear. Our reform package will put to rest concerns such as these. They will create a much stronger planning system where policy will guide decisions rather than the whims of bureaucrats, local politicians or builders and developers.

For example, we believe that the new planning system can meet both economic and environmental goals, that there does not need to be a tradeoff between jobs and the environment. The way we're going to protect the environment in the new system is through a series of clear, broad policy statements. One of the most important legislative changes in the package is a requirement to make local plans consistent with these policy statements.

The statements set out where development can be permitted or prohibited in such areas as woodlands, valley corridors, water systems, habitat areas and wetlands. It also takes into account economic goals, as well as housing, conservation and aggregate policies. Perhaps most importantly for rural communities, it also sets out policies for developing agricultural land. But this government was careful to avoid the trap of protecting farms without protecting farmers. Generally, the agricultural land policy reserves prime agricultural land for farming, but it does give local communities faced with growth pressures or opportunities the ability to develop some agricultural land.

This doesn't mean that every acre of farm land will be protected. What it does mean is that municipalities must demonstrate the need for building on farm land through their official plans and take measures to use existing infrastructure where possible.

In tandem with a policy-led planning system is the willingness to give municipalities a greater say on how their communities should be developed. Under current legislation, the province basically has planning authority. This means the Ministry of Municipal Affairs and other ministries have developed the sizeable bureaucracies necessary to approve and enforce municipal plans.

We disagree with this approach to planning. It makes for bad decisions. Civil servants at Queen's Park do not understand the planning priorities of our communities, rural and urban—not all of them.

What we are doing is to assign specific roles and responsibilities to the province and municipalities. The province will be responsible for setting policy. The municipalities will be able to approve development without provincial approval once official plans are in place. We believe that this will have a big impact on rural economies. Townships and counties, for example, will be able to approve a wide range of activities in agricultural areas such as farm vacation facilities.

With the current difficulties facing agriculture, I know there are many activities that farmers wish to pursue but are now blocked by current planning requirements. We believe that as long as property owners are abiding by provincial policy and local official plans, there should be greater flexibility at a local level to approve new uses. This is what our reform package will do. Although we are giving local councils greater development authority, we also want to avoid the potential conflicts that such additional powers may bring.

I'd like to talk for a moment about the part of the bill intended to make local governments more open and accountable to the people they serve. This is very important in view of the new responsibilities they will take on in the area of land use planning.

As the minister has said, the legislation covers three main areas with respect to open local government. First, it tightens the rules about when municipal council meetings can be closed to the public. All meetings will have to be open unless certain issues, such as buying property, personnel matters or court actions, are being discussed. All voting and decision-making will have to take place in the open. This change responds to concerns raised frequently by members of the public and the media, in both rural and urban Ontario, about the public's ability to scrutinize the municipal decision-making process.

Second, the new legislation requires municipalities to adopt strict rules on how they dispose of surplus municipal property.

Third, it updates the law on conflict of interest. The new rules clarify and simplify what is now a complicated area of law.

As a former municipal politician myself, I can tell you that the old rules inhibited local politicians from taking part in important council business simply because they weren't sure if they were in danger of breaking the law. By clarifying the rules, the legislation will allow councillors to take part more fully in the affairs of their municipality without fear of breaking the law accidentally.

One major change that has attracted a lot of interest among local politicians is the requirement that local elected officials disclose certain personal financial information. They'll have to do this once a year, and the information they disclose will be available to the public.

There are a couple of points that need to be made about this new requirement: First, it is very similar to, and no more onerous than, the disclosure requirements that apply to all of us here in this provincial Legislature. Second, while they will have to report the sources of income and their interest in real property, businesses and certain stocks and bonds, they won't have to provide any dollar amounts. They won't have to say how much they earn or how much their assets are worth, nor will they have to provide a detailed list of clients or suppliers if they are in business.

A politician who makes a living as a farmer, for example, would have to declare only that the income came from farming. There would be no need to list major buyers or the volume of his or her business with them.

This annual disclosure exercise will not only increase public trust in elected representatives, it will also remind the elected representatives themselves of the need to be mindful of possible conflicts and help them to avoid inadvertently doing anything illegal.

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The new laws on local government openness were developed after a thorough consultation process. That process began in 1990 when a committee representing municipal, school board and public interests was formed

to study the municipal conflict-of-interest legislation. The committee held 24 meetings and heard input from municipal councillors, school board trustees and members of the public before making recommendations to the government.

Taking those recommendations into account, the government prepared draft legislation, which was circulated for comment. More than 500 responses were received. The government reviewed the draft legislation with the Association of Municipalities of Ontario, taking into account the public response before developing the new legislation.

This package of reforms is an ambitious undertaking that basically turns around decades of legislation practices which have built up a system which is backlogged and adversarial and still does not adequately preserve natural features. Our planning reform package takes a huge step to building a new planning system which is cooperative and efficient while protecting the environment.

I was very pleased to partake in the discussions and also to be able to work in implementing this piece of legislation. As I said earlier, from my own municipal background, this is really long overdue. I think it certainly clears the air when we talk about planning and it clears the air when we talk about conflict of interest and it takes away a lot of the guessing that municipal politicians have to take, and not only the municipal politicians, but the ratepayers and the developers and planners. So I'm very pleased and I'm looking forward to comments on this bill.

The Speaker: I thank the honourable member for Essex-Kent for his contribution to the debate and invite any questions and/or comments.

Mr White: I'd like to compliment my colleague the member for Essex-Kent on his excellent remarks. I think my friend indicates how well this ministry has responded to the needs of rural Ontario. Of course, it should be noted that he was formerly the parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs.

My friend has sat on council in a rural area and he knows the problems of planning in an area like that. I think he also is emblematic in his presentation of how important it is to have sympathy for rural issues and of how rural politicians, rural councils, are not devoid of all of concern about the environment; in fact, that is their prime concern. Their prime concern is maintaining their areas in a truly environmentally sensitive way with preservation for the agricultural land that is the bedrock of their community and their economy.

My friend speaks very clearly of how well the consultation process has gone about, how it has involved all of Ontario, how he, as a politician with a great deal of experience in municipal matters, will be involved through the hearing process. I know that my friend, through his long experience in provincial politics as a member of the government and previously as a member of the opposition, has spoken extremely well on behalf of the rural communities in western Ontario and will be a very, very diligent representative of the ministry on those committee hearings.

We're looking forward to the comments that my colleague will be making and the sensitivity with which he will be able to approach these issues throughout all of this province, so he will be able to hear from and respond to hearings throughout this province.

Mr Robert Frankford (Scarborough East): I'm very pleased to be part of this debate. It's a very important piece of legislation and a topic on which I have considerable enthusiasm and which I've learned a great deal about since I've been a representative of Scarborough East.

I think we're extraordinarily fortunate in having John Sewell as the lead on this, somebody who has considerable experience, who is very thoughtful and who I believe is really at the forefront of a new approach to planning, which I believe is something that is in the spirit of our times and is moving across North America. I believe Ontario is very much at the forefront with this.

Mr Sewell writes regularly in *Now* magazine, and I have the most recent one here, which is about a conference in Los Angeles about the sort of neo-traditional approaches to planning. He says here:

"The provincial government's recent adoption of a comprehensive statement of planning policies and the introduction of legislation to implement many recommendations from the Commission on Planning and Development Reform should encourage these attempts to create more livable communities."

I believe this legislation opens the way to those new approaches to planning which are desperately needed as we look around at the type of suburbanization which is prevalent throughout the continent and which is subject to very profound criticism by people like Andres Duany, who is advocating neo-traditional towns, which I believe, as I listened to the opposition, is what they would really like but that they have unfortunately got stuck with being part of all the traditional land use, land zoning that has had very detrimental effects on our economy and on our environment.

Mr Randy R. Hope (Chatham-Kent): I've had the opportunity to listen to my colleague from a neighbouring riding to mine, the member for Essex-Kent, and I listened to the member from the Conservative Party. When I listened to my colleague from Essex-Kent, he was very clear in highlighting the benefits that are there versus the current situation, which I believe Mr Tilson was commenting on. It's quite a difference.

What he's talking about is that personal information, financial, be in the public eye so that the public know what the elected representatives are, because I believe Mr Tilson had clearly indicated there are backroom deals going on currently in the system and they were making decisions politically versus the reality of communities.

What I also wanted to bring up, which my colleague brought up, was that through the examination of the freedom of information and protection of privacy, there were a lot of concerns about more open government, because the general public, who are becoming more acutely aware of what's going on in our communities, wanted to know what's happening; in the public eye versus behind closed doors, in camera meetings. I think it's very important to

allow more of an open process so the general taxpayers can clearly understand what's going on.

The other important issue about the legislation is the time. I heard the Conservatives saying, "Well, there wasn't enough time to prepare." If since 1990 is not enough time to prepare on the consultation that has taken place on this legislation, I wonder how much longer they would like to go. Are they saying they would like to continue to stall the process? I think my colleague was very clear on the timing that has been put forward in developing this legislation.

What I see with the legislation is, number one, it's going to save money, both for the participants of the municipal area and the builders and the community in itself. I feel it being a creative and positive way of creating economic renewal in our communities, because it allows local planning for the local elected officials to look after the needs of their community. What I also believe it will allow us to do is be more rational in our decisions about what we do for our communities to make sure that the socioeconomic factors in our community are taken into consideration during the planning process.

The Speaker: Further questions and/or comments?

Mr David Johnson: I appreciate the comments of the parliamentary assistant, and I want to be fair in this debate.

Mr White: Well, do so, David.

Mr David Johnson: I will do so, thank you very much. The parliamentary assistant, I know, because of his background in municipal life and his involvement with this ministry, is sincere in his comments. I would ask him, though, if he has the opportunity, to address some of the concerns that are coming in across the province of Ontario.

I have a letter, for example, from the director of planning and development in the county of Wellington. He's speaking on behalf of the county planners. He feels that the policies, for example, in agriculture leave little room for local decision-making. He's afraid that particularly the rural regions in the province of Ontario will suffer and they will have no leeway in terms of planning their municipalities.

I speak on behalf of the Ontario Chamber of Commerce, which has expressed the same sort of concern. There are two different groups: one representing municipalities and one representing business, the Ontario Chamber of Commerce. They say that the policy is a made-in-Toronto proposal and limits the choice of housing for the people of the province of Ontario, and they have concerns.

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Then I speak of another group, another totally different group, Mr Minister. I'm sure you would be interested in the Board of Trade of Metropolitan Toronto. The Board of Trade of Metropolitan Toronto, had you listened to them, have a number of concerns. In particular, they feel that you've protected the environment but at the cost of shutting down development totally in the province of Ontario. That's what they say.

Have you read their letter, Mr Minister? Take the time.

It might be instructive. You might learn something.

The Speaker: The member's time has expired. The honourable member for Essex-Kent has up to two minutes for his reply.

Mr Hayes: I think it's quite obvious that the Conservative member over there didn't listen very well to his own colleague, because his own colleague was almost suggesting that we should do things across the rest of the province the way they do it in Toronto. I don't agree with that.

You're talking about all the fear. I think it's very simple that whenever there are any kind of significant changes that a government proposes, there is always going to be that kind of fear. But I think the other thing is that the member has failed to realize that there are a lot more other organizations and associations and municipalities that support this legislation than any letters that he has over there.

In the interest of saving time here, I want to thank everybody who participated and responded to my comments. I certainly look forward to their support in pressing forward and getting this legislation implemented so we can have some real good planning reform in the province of Ontario.

The Speaker: Further debate? The honourable member for Brampton South.

Mr Callahan: Let me say at the outset, I agree with some comments that were made in this House that the provisions requiring disclosure are nothing more significant than what members of this Legislature have to do. I think it's important that if the integrity of the process is to be maintained, and also I suppose for the protection of the municipal representatives, having this type of disclosure available in a public forum can do nothing more than to add to the fairness and understanding by the public of just what goes on by their elected representatives.

There may be problems with smaller communities. I would think the minister might look at that, perhaps as a result of people who come before the public hearings during the summer, because the situation in larger municipalities—although I know it has been argued in this House—should be similar to smaller municipalities.

There are often things in smaller municipalities where you may have a town or a village of 200 people where probably most of them are related. They probably all know everything about one another, and what you do by requiring this type of disclosure may be unnecessary or in fact may cause them some type of embarrassment in having to reveal things that perhaps heretofore no one knew about.

I will not go into those in great detail. I think you can just simply let your mind think about it and you can understand what I'm talking about. That's all I have, really, to say about the disclosure provisions. I think they're necessary and responsible.

I might say that when I was on city council for 16 years, we did not go into closed session except for the reasons that are now being put forward in Bill 163, and I think most municipalities did not do that. I suppose the additional item that this legislation will provide is for a

motion to be made so that the public knows why you're going into a private meeting, and then the result of the decision will have to be made public. I think that makes sense.

I bring to the minister's attention, jumping very quickly to an item about delegation of authority—and you indicated that I might be giving you a legal opinion tonight. I believe that the delegation of the powers of the committee of adjustment may very well be outside the appropriate boundaries of delegating authority, and you might want to take some advice from your municipal lawyers on that. There have been cases, I believe—I haven't done municipal law for a long time, but it seems to me that delegation of powers that are rightly those of elected representatives cannot be delegated. I want to take a look at that.

I want to bring specifically to the attention of the minister, for purposes of the record, a letter I received today from the chairperson of the Dufferin-Peel Roman Catholic Separate School Board. The letter was basically a formal registering of objection to the fact that this act does not deal with the issue of school locations.

All of the years that I was on council it was a very significant problem in our community in that we were growing so rapidly that children were being bused from the place where their development had been set up, where they were living. They had to be bused long distances to another school at some other location.

Hon Ruth Grier (Minister of Health): Why did the municipality approve the development?

Mr Callahan: The Minister of Health says, "Why did the municipality approve the development?" Minister, I had suggested that they not approve it for that very reason. However, they did approve it, and in fact I think that was the subject of a court challenge, in which case the municipality was told that it had to proceed with the development.

So what I'm saying is that the school boards still face the very—

Hon Mrs Grier: That's what this legislation would prevent.

Mr Callahan: This legislation, with all due respect to the Minister of Health, does not address this problem. In fact when I was on city council it got to the point where two issues were addressed, and the first one the Minister of Health will be very interested in.

For all the years, I guess the last 10 years and perhaps even before that, I fought to have a further health facility developed in my community. They had some 45 acres of land which was zoned by the Chinguacousy health services board. We got within about an inch of finalizing it under the former Liberal government. Unfortunately, when this government took power and took office, the former Minister of Health, who is no longer the Minister of Health, indicated to me and my colleague the member for Brampton North that the provision for that health facility was not going to be carried out and that in fact they were restudying the plan.

At the time a great deal of money and time and effort and thought had been given to this, to the point where we

had a model developed. It seemed to me incongruous and almost to the point of lunacy that the district health council then would be directed again to study this issue and spend more time, more tax dollars on an issue that was clearly one of importance to my community, one that made sense because the land was available—it wasn't a situation where the province had to spend great dollars on land—and it was to be an ambulatory care facility, which in fact would have taken a lot of the pressures off our emergency services.

The reason I raise that issue is because that was something that bothered me greatly when I was sitting on city council, along with the fact that we did not have appropriate sites or necessary sites for servicing the numbers of people who were coming into the Brampton area. We were probably one of the fastest-growing municipalities in North America.

I had suggested at one point in fact that we had to alert the people who were coming into our community about this inability to provide schools within the neighbourhoods of the housing developments that were going up. The best we were able to get was a sign that was posted outside of the subdivision, saying: "Your children may not necessarily be allowed to take their schooling in this area. They may have to be bused to another location."

As I'm sure, Mr Speaker, you would understand and all my colleagues in the Legislature would understand, if you look at the budgets of school boards, the cost of busing is horrendous. It's in the millions. We do no service to our taxpayers who are already in the community by putting the burden of that busing on them.

So I register again, as I say, the objection of the chairperson of the Dufferin-Peel Roman Catholic Separate School Board, and I'm sure it's one that will be echoed by the public board as well, that this legislation does not provide for a mechanism or a process whereby developments, specifically in legislation, cannot be approved or will not be approved unless the sites for these schools that are within the developments that are being proposed have to be available. I simply register that as an objection that was sent to me, and I think a very meaningful one, by the chairperson of the Dufferin-Peel Roman Catholic Separate School Board.

2250

I'm not going to speak to the full 30 minutes, so I will relieve everybody's anxiety. I want to get a few things on the record; that was one of them. I've dealt with the question of minor variances. It's always been my belief that a minor variance, as I said before, was if you've got a bylaw that requires a front yard or a side yard or a setback of x feet and you're a couple inches off, you can obtain, through minor variance, a relief from that bylaw.

I found the experience, and I think maybe other members who have been on municipal councils experienced this as well, that very often you would get committee of adjustment decisions where the developer had actually gone to the committee of adjustment for what he thought was a minor variance or perhaps didn't even think it was a minor variance. He figured he'd take that approach first, and if he was able to do it there, he got it done a lot faster and a lot cheaper.

They would come back to council and council quite properly would look at them and say, "Well, this is not a minor variance and we're going to appeal it to the Ontario Municipal Board." I recognize that within this bill there is a mechanism set up for a rehearing of the provision by the council. I'm not sure who rehears it in the event the council is the committee of adjustment that's hearing the original minor variance.

I think it leaves itself open to the potential of abuse. As I said before, zoning, in my view, has always been the proper planning of communities to ensure that the existing residents are not going to suffer any additional expense or unnecessary crowding or use of their facilities without the people who are coming in paying their proper and fair share in participating in that community. I have some fear that this might be the case.

The other interesting feature of the minor variance is that it is not subject to the Statutory Powers Procedure Act. The Statutory Powers Procedure Act is really a statute of the province that was enacted to ensure that people who are being dealt with and have a decision rendered against them will have it rendered against them but they'll have a fair and equal opportunity to respond and to address the matter. By taking away these procedures, it would allow—and I'm not suggesting they would do it, but it can happen—these municipal members to, perhaps, act capriciously. If that's the case, then what remedy does the constituent or the person have? I suggest that's a very real weakness in the whole process.

I want to address one other issue. In reviewing the bill itself in totality, I understand the government's purpose was the same as the Liberal government's purpose: to try and speed up the process of development and to ensure that the development was done in an orderly way. Because if you don't do that, what in fact happens is the cost—this is how we got into this cost-of-housing problem we've got, in two ways.

The first way we got into it was because the process took so long that the costs that were entailed in trying to develop land were passed on to the home buyer. I often wondered whether or not my kids would ever be able to buy a house. Years ago, you looked at a house for \$20,000, \$30,000, which is now selling today for \$200,000, \$250,000, and that's outrageous.

I think the second process, and it is addressed somewhat in this bill and I do agree with it in a sense, is that if a subdivision draft plan is put on and nothing happens for—I think it's a period of up to two years—then the approval can be taken back.

That's a very drastic process, but what it does do is it ensures that those developers, who truly wish to develop the subdivisions in a municipality and thereby provide the taxation revenue that comes from increased houses being built, mean business. If they don't mean business, if all they're doing is trading in paper—which I must say, when I was on city council, I saw that happen frequently and used to object to it and tried to raise the issue that there should be timings put on these transactions so that you weren't just getting trading up of densities and the increased value of land to the point where I could see what was coming.

It was the high cost of land and therefore the high cost of homes for particularly the youth of our community coming up with perhaps both of them working and having to pay a large amount of their disposable income for housing.

So I can agree with that, but I think it probably is going to be a subject of much review during the committee hearings, because there are possibilities. I've looked through the act and I can't find what happens if by some chance the developer is working on the subdivision and forgets about it, or through negligence or oversight lets the time go by and loses his subdivision approval, and in the meantime perhaps he has proceeded to lay sewers or sidewalks or whatever else, lay out the lots. There doesn't seem to be any procedure. I may be wrong and I would hope to hear from the minister if there is a procedure whereby that can be reinstated or turned around. If it's not there, it should be there, because that can happen; obviously mistakes can be made.

Finally, there are certain provisions here that appear to trigger automatic referrals to the Ontario Municipal Board just simply with time limits passing. That's a matter of some concern, because if the nature of the beast is to try to speed up the process of approvals and to get moving on development, then obviously anything that triggers it to the Ontario Municipal Board is a difficult situation, because all it does is block that body and delay the process.

I might add as well, finally, that the Conservative provincial government of the Davis and Robarts generation—I think perhaps it was during Mr Davis's regime—developed a process which they called provincial policy, which in fact allowed the provincial government to have a very large imprint on any developments within municipalities. I often thought that was an unfair advantage. I think that municipalities are the closest form of government to the people, are the most accountable to the people, and to allow the Legislature, the senior level of government, which actually creates municipalities, to have that type of power was, I thought, wrong.

If one looks at this act, and I think it will come out during the public hearings, the impact by this provincial government is far more significant. I could spend another 25 minutes—which I don't have, and I don't wish to prolong this debate—on investigating the massive amounts of authority that the provincial government has over this whole process, and I think that's dangerous.

Finally—and I said that before—I want to go back to the question of the landfill site in Bolton. There is a provision in here for provincial policy to cover such areas as developments not being built around aquifers. That's one of the indicia. Yet the landfill site that has been approved as being the appropriate one for the region of Peel is located in Bolton on an aquifer site. It's also on good agricultural land. So it flies in the face of two of the principles espoused in Bill 163.

I find it difficult that if this bill passes without some fine-tuning of it, certainly the good people of Bolton are going to be scratching their heads and saying to themselves, "Well, you know, Bill 163 says you can't put a development on that type of an environmental concern,

but you can put a landfill site on it." That just strikes me as being inconsistent; also on good agricultural land, that you can destroy good agricultural land by doing that.

I have a number of other things I would like to address, but it's getting on in the hour. There are other people who wish to speak, and I wish to allow them that opportunity.

I look forward to the public hearings. I think they will be of some significance, because Mr Sewell did put a great deal of time and effort into this. He wasn't followed in many very important areas, and I think one of them was the question of provincial policy-making. He had recommended, I believe, that that be removed, and in fact what the government has done is just the opposite. It has enlarged the powers that it has to make policy statements that impact on the community as a whole.

2300

There is also, I note in here, a good deal of powers that can be enacted by regulation. I'm a great adversary of regulations; they're the silent laws of Ontario. They do not give people who are elected to this place the opportunity to debate them, to look into them, to determine whether they're good for our ratepayers. They're just done by cabinet. I think that's a process that hopefully this government or the next government will look at.

We came that close in reviewing the whole process through private bills and regulations. Had the election not taken place, we probably would have had a process in place which would have made regulations much more open to the public and shed some light on them so people knew how they were being affected by these laws in a very significant way. I want to thank you, Mr Speaker, for the opportunity of speaking.

The Speaker: I thank the honourable member for Brampton South for his contribution to the debate and invite questions and/or comments.

Mr Perruzza: In responding very briefly in the two minutes that I have to get some comments on the record, I too have gone through Bill 163 with great interest. Speaking to some of the issues the member spoke to, what this act really looks to doing is taking all of the players in the land use process in Ontario—the people, the communities, the neighbourhoods, the developers and the cities—and mapping out a clear vision for all of them and a clear process on land development and with respect to land use issues.

People in communities are essentially protected because, again, as I say, when you have a community and some developer comes there and wants to do something that's absurd and off the wall and is just speculating, communities have to get together and fight that and go on for years and expend a lot of money and a lot of resources and in the end it creates a whole lot of disappointment. What this does for them and for those people is, it sets out clearer rules so that some developer can't move in and say, "I'm going to do something here that's absurd." For developers, on the other hand, it makes the rules clearer.

Mr Stockwell: What about zoning and official plans?

Mr Perruzza: Maybe if he gives me a little bit of his

time I'll explain to him a little bit about zoning and what's involved with zoning, but for developers as well it makes the rules obviously clearer. On the one hand it discourages them from absurd speculations; on the other hand it does streamline the process. And for municipalities, it empowers them to make some decisions, decisions which they can't now make.

Mr Eddy: I wish to thank the member from Brampton South for his comments and drawing to our attention certain peculiarities about the recommendations in the act. I know they will prove to be very useful for people who look into the matter, read Hansard and will be making presentations, because he's brought some things out and he does his research, I know, on all occasions before he speaks. It was very helpful and I thank him for his comments.

The Speaker: Further questions or comments? The honourable member for Brampton South has up to two minutes for his reply.

Mr Callahan: I'm not sure what Mr Perruzza's riding is.

Mr Stockwell: Downsview.

Mr Callahan: I appreciate what the member from Downsview and also the member from Brant-Haldimand have said. I want to address what the member from Downsview has said. He says the process is to make it clearer for developers. I suggest to him that he should take a good hard look at the bill, because in fact in some areas it creates a great deal of controversy. If you look at the severance powers that have been provided, although they've been delegated and time limits have been put on them, the minister has an overriding refusal on it.

If you look at subdivisions, even if the official plan is in place and the developer has done all the proper things, the minister has an override.

I'm sure that you, as a former municipal councillor, would agree with me that municipalities, which are the closest to the people and the most accountable, actually, should be the people making those decisions. If you vest that power in the minister to be able to come and say, "Well, I'm sorry, little fellows, you're just a creature of the province; we're not going to approve that," like Big Daddy and take it away, I think that creates an atmosphere of uncertainty which can do nothing more than create problems in terms of somebody being able to plan a subdivision and to ensure that it's brought to fruition in the fastest possible way in order to ensure that the cost of those homes will be affordable for your children and mine.

Finally, I would say that I'm with you: I believe a good planning process which requires people to get on with development as opposed to playing games is the most efficient thing we can have. I'm not quite sure that this bill in its present form has achieved that. As I say, I look forward to the public hearings so we can improve the bill and ensure that that does take place.

The Speaker: Is there further debate?

Mr Stockwell: Yes.

The Speaker: I recognize the honourable member for Etobicoke West.

Applause.

Mr Stockwell: Thank you very much. Why don't you run around and we'll sound like a crowd? I thank the member for Downsview for exuberance and his non-partisan approach to this place. I think that after the next election he would make an excellent appointment to some board or commission.

Mr Mammoliti: Is that a promise?

Mr Stockwell: No, it's not a promise. I'm afraid I'd have to get that through the caucus, and I'm not sure I could.

I'd like to deal with this on the global basis that it was presented, on the kind of global thing. The member for Downsview is the global, macro kind of guy he is, tending to review issues and items in a very broad cross-section, macro way that only the member for Downsview, in his intangible way, has of doing it. I think if he doesn't get 20 minutes to speak to this bill, there's something wrong with democracy in Ontario.

Just in my short period of time that I have to speak tonight, I will talk quickly. I want to begin with the fact that I don't think a government can introduce a piece of legislation this broad that broadly determines planning across the entire province. I think there's going to be pitfalls in that approach.

Certainly if you expand the definitions of some of the policies that will be met out in the process of the reporting of Mr Sewell, then you end up with what I think you have here, which is a very convoluted, esoteric document.

Why I say that is: The definitions of some of the planning thoughts Mr Sewell put down on paper are going to have to be interpreted, and as I read them, they're going to be open for interpretation. I know the member for Brant-Haldimand would be interested in this, having worked in a municipality. They're going to be interpreted at many different levels. For instance, when you get a broad planning policy like this document, you'll get an interpretation at the local level that may be different from the interpretation at the regional level, that may be different from the interpretation of the Minister of Municipal Affairs and, once again, interpreted differently at the OMB.

Why that is difficult is this: A planning document in some instances can be broad but in specific site development must be very specific.

Why I say it needs to be very specific is that developments and official plans and zoning and severances etc have to be specific for the people who live in those areas or regions.

Why they want that is twofold. One, they want certainty and security within the area they happen to live in. There's no way that you're going to convince somebody who lives in a single-family residential neighbourhood that by having neighbours in single-family residential houses, it's going to be good for him or her to build an apartment building two doors down. That's why you have very specific zoning regulations and official plans that itemize these very specific kinds of issues.

What Mr Sewell has tried to do, in my opinion, is write, as best he can, the first official plan for the

province of Ontario. To me, writing an official plan for the province of Ontario is practically impossible.

Why it is impossible is because every community, every neighbourhood, every street, town, city, district and region in this province is different. The differences may be very subtle and they may be very, very vast, and examples are very clear. Trying to write a policy in terms of development and application of that development for downtown Hamilton and for cottage country in Simcoe or a northern Ontario small town is nearly impossible.

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So what Mr Sewell has tried to do—and mark my words. I want to get this on the record. I, as a member of the Conservative caucus, have served on council with Mr John Sewell. Mr Sewell is a bright, imaginative, interesting person. I think he served the city of Toronto very well. When he came out of Trefann Court in the 1960s and organized the first neighbourhood associations and groups, he offered up a different view of municipal politics that has captured the imagination of the people of the city of Toronto many times over.

I'll also say, David Crombie can probably thank John Sewell for being elected mayor in the city of Toronto. David Crombie adopted many of John Sewell's attitudes towards planning. I remember vividly the 45-foot height bylaw. Mr Johnson, who was a member of East York council at that time—

Mr David Johnson: Alderman.

Mr Stockwell:—an alderman in East York, will also back me up. I remember vividly Mr Crombie campaigning for mayor in the city of Toronto against Mr Rotenberg and O'Donohue and Mr Crombie selling the 45-foot height bylaw designation. That was during a period of economic boom and development and growth unparalleled in the history of the city of Toronto and in the surrounding regions.

I know full well that the Minister of Health, who was a member of Etobicoke council during that period of time, can probably cite in her curriculum vitae that one of the major reasons she got elected her first time was because of the planning process and the development that was taking place in and around New Toronto, Long Branch, Mimico and the Lakeshore.

Hon Mrs Grier: No, it wasn't. It was the Tory actions for amalgamating my municipality with Etobicoke.

Mr Stockwell: That's true, the amalgamation probably had something to do with it. The fact still remains that when that election campaign took place a lot of people were involved in the planning process and what happened during that planning process, and Mr Sewell captured the imagination of the people of the city of Toronto and Mr Crombie carried forward to become mayor of the city of Toronto.

Mr Callahan: The tiny perfect mayor.

Mr Stockwell: He was a tiny perfect mayor. At the end of the day, they've both done very well. Mr Crombie seems to get appointed by every government of every stripe and Mr Sewell seems to do the same thing, so clearly they've been doing something right.

Having said that, there are some criticisms I have of Mr Sewell's idea of planning and his approach to planning within the city of Toronto and now in the broader province of Ontario.

Mr Sewell is convinced, in my opinion, through this report, that by itemizing these specific concerns he will therefore reasonably control development, make planning priority decisions on environmental concerns but not hinder development in the meantime. This government is caught in a very serious difficulty by adopting this piece of legislation.

I say to the member for Brant-Haldimand, I say to others across the floor, and the member for Downsview, who I'm sure knows full well that this government has changed its attitude with respect to development and economic growth and so on and so forth. They're looking to see development take place. They're looking for job creation and they're looking for the kinds of things that create work for people and money and risk-taking and entrepreneurs.

Hon Mr Philip: That's what this bill does.

Mr Stockwell: Well, the minister is behind me. It's always easy to tell when the minister is behind you when he speaks. I know Mr Philip is back there saying, "That's what this bill does." I don't believe that, because I think what you're going to find—

Mr Hayes: Read your fortune.

Mr Stockwell: I read that.

Ms Haec: How about reading it out for all of us?

Mr Stockwell: It says, "You will be overwhelmingly elected coming next fall and the NDP will be wiped out."

Mr Rosario Marchese (Fort York): Is that a Chinese cookie?

Mr Stockwell: That's a Chinese fortune cookie. "...and Rosario will stay because he's the greatest." That's what it's got at the bottom.

I want to continue. I think this is going to place some severe difficulties and restrictions upon the rural ridings. I think what you're going to find with respect to this piece of legislation is that any major change or minor change, be it a severance smaller than a severance, is going to be subject to an environmental assessment review. If you're looking for economic growth and development and you're going to subject something as simple as a severance to an environmental assessment review, you're going to be clogging down a process that is already slow to begin with.

Much has been made about the speed with which the OMB operates today. I can look across the floor and see the Liberals, and I know they'll agree with this, whether the government does or not: The OMB is not working, in my opinion, any faster; it just has fewer applications.

I remember sitting in council, and if you didn't deal with two or three major applications at a council meeting, then you weren't doing business. But today, applications for major development—drive through the city of Toronto and you're lucky to see one crane. In the city of Etobicoke you don't see any. That means there's been a tremendous slowdown in planning departments, in official

plan designations, in zoning redesignations and in the OMB. So you've slowed the process down, in my opinion.

I'm not going to say the OMB hasn't had some efficiencies made up, but if you think the OMB, when this recession leaves, will be able to handle an increase of the magnitude you're hoping for, with environmental assessment and appeals and so on on things such as simple severances, you've got another think coming, folks. I don't think you're going to be processing these nearly as quickly and the system's going to bog down. You're going to have a funnel approach, in my opinion.

You're going to have all these developments going through. You're going to have anybody asking for an environmental assessment—under the Environmental Bill of Rights you can do practically anything you want—and then under this piece of legislation you're going to need environmental assessments on all kinds of things you didn't need before, and it's all going to end up at one place and it's going to bog down again.

So the growth and economic prosperity that you're hoping for won't be there, because you won't be able to get these developments on stream and get people back to work because they're going to be bogged down in red tape. Those are the kinds of concerns that were brought forward by, for instance, the Greater Toronto Home Builders' Association and the Urban Development Institute. They responded to this New Approach proposal by pointing out that streamlining will not be achieved and municipalities will not have greater control over the development process.

Hon Mr Philip: No. That was Morley Kells responding.

Mr Stockwell: No, that was not just him. The Greater Toronto Home Builders' Association said the same thing. You're not giving more control to municipalities, you're making it more difficult for municipalities to approve projects. I don't know anyone in Metropolitan Toronto who thinks development applications go through too quickly. I can't speak for the rural ridings, but I can't believe that those rural ridings think the development process is operating so quickly that we can throw a major ratchet in it and slow it down and not have an impact on development applications.

These people come forward with some honest criticisms, and as I was saying about Mr Sewell, the one criticism I have of Mr Sewell is that he bogs processes down to such a great extent, looking for input, looking for environmental assessments, looking for policy statements, looking for neighbourhood public hearings, that it turns from a reasonably priced development into a very expensive application, a very expensive housing project, because the costs get increased due to processes put in place by government.

I look across the floor and, I'll tell you something, I don't know what Mr Pilkey's position on municipal council was on some of these applications, but I'm willing to bet that as mayor of Oshawa you probably had your fair share of difficulty with development applications and the processes and the length of time they took and the costs and burdens they added to the application,

which drove the price up, which took what were considered affordable residential housing units up to the mid-range point.

You know as well I do that it wasn't very good, the way the system worked. It was bogged down often, it was time-consuming, and the OMB in fact bogged down greatly; in some instances we waited up to eight to 12 months for a hearing. We don't wait today that long. Is it because the OMB's more efficient or is it because there are just not that many applications flowing through?

Mr Hayes: It's because of the New Democratic government.

Mr Stockwell: That's what you're saying. I understand the member for Essex-Kent saying what he says. He's taking credit for the New Democratic government speeding up the OMB. I think you have to some degree. I think Dale Martin's done a fairly good job, I do, but I also think you must admit that the number of applications coming before the OMB is significantly less than it was in the 1980s when the OMB was bogging down. I think you will find that with this kind of legislation you're going to have more end up there, because you've introduced new processes, new plans, new environmental assessment hearings on issues that in my opinion don't belong being heard at the OMB, but they'll end up at the OMB. That is a very important point that needs to be made.

I speak to the planning process and the zoning process more specifically than the others, because I find it closer to my heart and probably an issue that I understand much better than some of the other issues.

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Another thing I think this does that I don't particularly care for, and I can't believe the Minister of Health would agree with this because she would be the last person who would agree with this, but by making these kinds of policy statements that must be adhered to by local councils, this to me smacks of top-down government, this to me smacks of the provincial government telling local neighbourhoods and communities how they should be planned. I don't like that.

If there's anything I like about the planning process today, it is the way it works from the ground up. I like the fact that neighbourhoods and communities have official plans that are sent out to the people and they comment on them and they're adopted by duly elected local councillors, and then they have the right to debate those in public hearings should a council want to change an official plan.

By putting forward what you've recommended in the Sewell report, I say to those members across the floor, particularly the member for Downsview, who I know full well would agree with this, by putting forward these recommendations you've determined that the best way to plan in Ontario is to start at this level and work down to tell people how they should have their communities planned.

I don't think the community of the member from Chatham would agree with that. I don't think the member for Downsview's community would agree with that. I

don't think the communities across the province would agree with that. I don't know how the member for Fort York could agree with that, because if there's anything I thought he would agree with, it's something like this: Planning is a neighbourhood responsibility. Planning and zoning come from neighbourhoods and they set the important criteria that people must follow to maintain the livelihood and distinctiveness of their own community.

By introducing legislation that says, "We will tell you how your community should be planned," you lose the basic, fundamental beauty of the Planning Act, which says that local neighbourhoods tell people what they should be living in. I think that's good, it's always worked, and I don't know why we want to change it.

Hon Mr Philip: That's why you want the minor variances to go to the OMB instead of having local neighbourhoods decide.

Mr Stockwell: I heard his words, but I'm not really sure where he heard that from.

Hon Mr Philip: From the previous speaker for the Conservative Party.

Mr Stockwell: Communities in rural Ontario are also concerned about the legislation, more so even than urban centres. They're concerned because what has happened with this piece of legislation is that the government has said, "You must write an official plan," and communities that are very small don't have them, "and if you don't write an official plan, we will write one for you."

The smaller communities, particularly the rural communities in Ontario, are very concerned about a provincial government walking in and writing official plans for them, because when you ask somebody to write an official plan, it means the government hires a planning consultant to go in and write an official plan for a community that they may not live in, that they may not react to, that they may not understand. The beauty of writing official plans is that those plans have to be approved by the council, drafted by planners within that council, public hearings are held by the council. A community writes an official plan, not a consultant and not the province of Ontario.

There's been some concern registered about this and I can understand that concern, because it takes the responsibility of the community and neighbourhood you have away from those people who have to live in that community, who should be making those decisions.

Mr Hope: Name that rural community.

Mr Stockwell: I know there are communities in Wellington that have said just that. The member spoke to me not two hours ago about the concerns with respect to official plan writing in those communities.

Mr Hope: Well, that was one.

Mr Stockwell: I could stand here for the rest of my time and list the rest of them, but it would be somewhat counterproductive in terms of getting 45 minutes to speak to the bill. Maybe afterwards we can sit down and I'll write them out for you, or maybe I'll print them out.

The other concern is that, in my opinion, too much concern in this Sewell report is put on environmental issues.

Mrs Irene Mathysen (Middlesex): What?

Mr Stockwell: The member for Middlesex is muddling out of her seat.

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): There's not enough.

Mr Stockwell: And the member for Riverdale. I understand that you think there's not enough. I don't agree with you. I think the environmental issues are very important and are concerns that should be dealt with, but I think this piece of documentation is tilted.

Hon Ms Churley: As long as it doesn't get in the way of developers.

Mr Stockwell: No, that's not the point at all, I say to the member across the floor. That's not the point at all. I think we can deal with the environmental concerns without throwing up huge roadblocks in the way of development that offers jobs, creates work, creates housing, creates prosperity, does all the things you're supposed to be trying to do right now. I think that can be accomplished and protection of the environment take place.

To the member for Riverdale, just listen for one minute. If you had read this document, you would know that a simple severance will end up going through an environmental assessment review. What possible benefit could be had—

Interjections.

Mr Stockwell: It's not nonsense. You see, this is what I mean. Those are the kinds of concerns that have been outlined by municipalities, that, as they read this document—and who interprets this document? The member for Riverdale won't be interpreting this document. The Minister of Municipal Affairs won't be interpreting this document. The municipalities are saying, and I agree with them, that simple severances could be subject to environmental assessment hearings. If you have not heard that criticism, I'm shocked. I think the member for Don Mills would tell you the same thing, because those are the kinds of concerns we've been hearing. If you're not hearing them, then people simply are refusing to tell you or you're not listening.

Mr Hope: Or they have no problem, right?

Mr Gary Wilson (Kingston and The Islands): You see the trouble you get into when you don't read the bill?

Mr Stockwell: It's not often that this member from Kingston, who plays checkers during debate, has any room to start questioning whether or not a member is prepared.

Interjections.

Mr Stockwell: He was playing yesterday. The member for London South was playing today, just to make sure who's the checker champion on that side. I'm not certain I want to take a bunch of heckling from a member while he's playing checkers in the House.

Mr Winninger: I don't play checkers. Do you know the difference?

Mr Gary Wilson: What are you playing with over there?

Mr Stockwell: There's a comment I'm sure he would

want to be careful about, Mr Speaker. I don't mind heckles from members who are listening to debate and offering up concerns, but to suggest that I have not read the bill while he's doing what he's doing—maybe before he throws stones, he should check the panes of glass in his house.

Those are the kinds of concerns we've heard with respect to this piece of legislation as far as severances are concerned.

In my opinion, some elements of the legislation, such as streamlining the planning and development process, are very laudable. They're goals that I fundamentally think should and could be accomplished. I don't think the present process for planning is necessarily impossible to streamline. I don't think we need to revamp the whole process. I think it has worked and it's worked rather well in the last number of years, and you've had some fairly well-planned communities.

I can speak first hand about the Metropolitan Toronto region. I think the city of Toronto is a very well-planned community. I think Etobicoke and North York and Scarborough and East York and in some instances York have been very well-planned communities in this area. They've lived under the present planning processes. In the last 10 years, the planning process saw a boom and a growth during the 1980s that was unprecedented and much was approved in development.

There have been mistakes—I don't deny it—and there always will be mistakes. But by the same token, on the whole it's still a safe city. It's considered a world-class city as far as transportation is concerned. It's a city that has operated with neighbourhoods that have been maintained downtown. As far as world cities are concerned, it's ranked one of the highest. I think you'd have to admit that the general efficiencies of metropolitan government, both in the planning process and in the elected process in terms of Metro and local councils, have worked rather well.

Hon Ms Churley: What about those high-rises down there at Harbourfront, right on the waterfront?

Mr Stockwell: The member for Riverdale talks about Harbourfront. There are some good things about Harbourfront and there are some bad things about Harbourfront. On the whole, the member for Riverdale, if they want to get into a huge debate about Harbourfront, probably would endorse a lot of the activity that takes place in Harbourfront, the arts communities and the community groups. Why do they take place there? Because of the development that took place that paid for and funded a lot of those projects.

I also will say to the member for Riverdale that those were the projects that you sat on council for that were voted in favour of by duly elected officials. You opposed them at the time and I don't know why you're so upset about those, because I also remember that when you were on that council you opposed casino gambling.

The Speaker: A point of order, the member for Riverdale.

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Hon Ms Churley: On a point of privilege, Mr

Speaker: The member is mistaken. I just want to correct the record. I was not on council. I was on council from 1988 on, when all the planning and decision-making for those high-rises on the waterfront were being developed, planned and approved.

The Speaker: The member does not have a point of privilege.

Mr Stockwell: I certainly withdraw that if she came in 1988. I thought she was there a little earlier. But I don't understand why the member for Riverdale is so concerned about those kinds of issues when, as a member of this government, it seems she has taken a lot of issues differently from the time when she was elected at a local council. It seems to me that you can rationalize decisions very easily, so I thought there were a few others you could rationalize in here as well.

Mr Curling: Like what? What did she change her mind on?

Mr Stockwell: Gambling comes to mind right now.

The elements are laudable goals, in my opinion, as far as the planning and development process is concerned. In our report in the Common Sense Revolution, I think one of the most important issues that we've dealt with in the planning process is the elimination of the red tape. It seems to me that a lot of development applications have to jump through hoops, going through the same process month after month, trying to get a development approved that only drives the cost of that development up.

When that development goes through the processes that are put in place by governments at all levels, it costs money. When it costs money, you drive the price of development up. When you drive the price of development up, all developers end up doing is passing that price on to the consumer who ends up coming in to buy that piece of development.

I think this Sewell commission report is going to apply a lot of the bad principles that were adopted in Metropolitan Toronto to the outlying regions and rural areas, which will do nothing but drive the cost of development up, slow the process down and not be favourable for the prosperity that you're hoping for in this recovery, because those processes, those projects, will take longer to get through the system than they in fact do today.

On the conflict-of-interest portion within this bill, I think it's going to be very difficult in the rural ridings to convince politicians who are making—and I spoke again to the member for Wellington a few hours ago; he gave me some examples too—a few thousand dollars that they're going to want to go in and lay out their entire net worth, their holdings and so on and so forth.

It seems that there's a bit of overkill in this. When you're dealing with a council of the size that we are dealing with in some small towns, asking them to come forward to the town clerk—I guess it's the town clerk in most instances—and sign off on a series of inquiries into their own personal state, I think you're only going to discourage people from running.

Now you can shake your head, but I can't imagine that if you're going to run for a job that pays a couple of thousand bucks a year, you're going to want to go in and

start disclosing to the town clerk in a very small town exactly what your holdings are, your net worth, where your money is. That's a rather personal bit of information.

Hon Mr Philip: Your net worth is not required. No dollar amount is. Why don't you read the bill?

Mr Stockwell: Your mortgages, your holdings, all those things that are required from us when we go in to file our notices. You must file the mortgage on your house then, for instance, or a loan on a boat, these kinds of things; or your income, how much your wife is earning or how much your husband is earning.

Hon Mr Philip: That is not required at all. Read the bill. That is not required at all.

Mr Stockwell: No, no, Mr Speaker.

Hon Mr Philip: Yes, yes, Mr Speaker. If you can't read the bill, we will read it to you, but that is not in the bill.

Mr Stockwell: When this was asked to be put forward on this part of the legislation, they talked about disclosure for private municipal council members. The disclosure that they're asking for is similar to the disclosure that we go through when we get asked to disclose at the provincial level.

Ms Haack: It is similar but not the same. Do you understand the nuances of things?

Mr Stockwell: There's no doubt about it. When we disclose, we're disclosing fully for this job. They're going through the same kinds of disclosure—

Ms Haack: No. Similar, not the same.

Mr Stockwell: Okay, similar, not the same. Fine. They're going through similar processes to disclose. The point I was making was, when you're earning some few thousand dollars a year to sit on council, going through a very similar process of disclosure, I think, will discourage people from running. I don't think it's an incentive at all to run, in my opinion.

Ms Haack: Why?

Mr Stockwell: Why? Because I think, firstly, these are small towns. You're going to go in and you're going to disclose for a couple of thousand bucks a year. It's almost at the point when where serving on those councils—

Ms Haack: But they have a responsibility for decisions.

Mr Stockwell: If you're going to ask why, you've got to listen to the answer. When you're sitting on councils in those small towns, it's almost providing a public service at the kind of money you're being paid. If you're going to provide a public service and you're going to be asked to disclose, then I think some people will say, "I am not prepared to do that." That in fact will discourage candidates from running for those elected offices.

Mr Hope: Most people know what they make anyway.

Mr Stockwell: If you don't agree with me, that's fine. Those are the kinds of concerns that we've heard with respect to the conflict-of-interest guidelines.

Mr Mammoliti: Chris, you can do better than that. There is the other argument. I didn't expect that from you.

The Speaker: Order. The member for Yorkview.

Mr Stockwell: I'm not really shocked that the government members don't agree with the comments I'm making. They didn't agree with the comments on a lot of bills that they've brought forth. They haven't agreed with a lot of the comments that we've made with respect to most of the legislation they've brought forth, but what has been very clear is the people of Ontario don't agree with much of what this government does. Something must be going right on this side of the House, and something must be going seriously wrong on that side of the House, because the people of Ontario don't seem to be supporting the members opposite.

Mr Gary Wilson: Two wrongs don't make a right. Didn't your mother ever teach you that?

Mr Stockwell: Clearly the checker-playing member from Kingston would understand this, because the people of Ontario have clearly spoken in a few by-elections and in public opinion polls that they are not thinking you're doing such a bang-up job.

Maybe if you took some time to hear from the opposition critics, who have spoken to people who have some concerns about their legislation, rather than simply heckling them and suggesting that everything we offer up is wrong, you might be better off. In fact, you might be better off in the polls. You might even have gotten your deposit back in a couple of by-elections; you quite possibly could have gotten 15% of the votes.

Before you go telling everybody in this side of the House how wrong they are, how they don't understand your legislation and how you know exactly what you're doing, maybe you should examine what the people in the province of Ontario are saying about you. Maybe you should examine some of the by-elections that have been happening in this province in the last few years, and maybe you should take a look at a few rolling polls that have come in in the very recent past.

Then you might think to yourself: "Maybe I don't know it all. Maybe we have passed some dumb legislation. Maybe the legislation we're offering up this time might need some help. Maybe we could use some corrections here and there. Maybe we should listen to the people in the province of Ontario." Maybe then this government would have a little better popularity than it has today.

Interjections.

The Speaker: Order.

Mr Stockwell: I will move on, but maybe if you listened a little more to what the people are saying about your legislation and maybe if you amended it, you might be a little more popular than you are today.

Mr Mammoliti: Blah, blah, blah, blah.

The Speaker: The member for Yorkview, please come to order.

Mr Stockwell: So I ask for that small bit of cooperation.

Mr Mammoliti: Do we have to listen to this at 11:30 at night?

The Speaker: Order.

Mr Stockwell: No, Mr Speaker, the member doesn't have to—

The Speaker: I caution the member for Yorkview that he must come to order or he will be named.

Mr Stockwell: Mr Speaker, I don't think there's a quorum present.

The Speaker: Would the table officer count to determine if there's a quorum.

Acting Clerk Assistant (Ms Lisa Freedman): A quorum is not present, Speaker.

The Speaker ordered the bells rung.

Acting Clerk Assistant: A quorum is now present, Speaker.

The Speaker: The member for Etobicoke West.

Mr Gary Wilson: Did you read it yet, Chris?

Mr Stockwell: I see the checker-playing member from Kingston is still here to heckle. I appreciate that.

The other concern I have with respect to the intensification argument that they bring forward and they've often talked about is that it's also expensive and hard to implement through the planning process for private developers.

Why I say that is, intensification of development, particularly in areas that are built up and completed—it's very difficult to look for private developers to intensify. It's a process that is (1) very expensive and (2) not very popular in most aspects within neighbourhoods and communities in the province of Ontario.

I would suggest to you, in most urban settings where they're looking for intensification, if you wanted to intensify in a single-family residential neighbourhood, you would end up with probably significant hostility from the neighbouring community. I say this at first hand. If you're looking to intensify single-family residential or duplexes to create four, five, eight, 10 units, you'll find yourself up against a very determined neighbourhood group and association that is completely and thoroughly opposed to the intensification argument.

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Now you're asking private developers to in fact intensify in neighbourhoods that don't want them. When you have a neighbourhood that doesn't want intensification or particularly doesn't want a certain kind of development, as a developer you're in for a very expensive fight because, generally speaking, local councils, knowing they're elected by a community that opposes certain development, will go to great lengths to ensure that development not get built.

That means the costs of intensification to the private developer are going to be somewhat burdensome. That also means that when you think you're intensifying for a reasonable cost, because of the delay, because of the legal fees, because of the costs involved of intensification, you're driving the price of that product up.

By driving the price of the product up for private

developers, you're doing exactly counter to what you wanted to do. You're driving the price to the private consumer up and that means they're less affordable, which intensification is supposed to make more affordable. It becomes less so when you have intensification for private developers when it isn't a popular idea in the community.

The intensification is kind of a made-in-Toronto idea, and quite frankly hasn't really worked in Toronto either. There's been a lot of talk about intensification. I think you'd be hard pressed to find any serious intensification that took place in the city of Toronto. There are splashes here and there where it has happened, but on a generally widespread view it's been a thought process, it's been a conversation point, it's been a debating issue, but it hasn't really happened.

I know the city of Toronto has said that it is in favour of intensification, but it's not something that I've seen on a widespread basis that would prove to be successful, in my opinion, to alleviate the housing shortage, which it thought it would.

Hon Ms Churley: I was there for that.

Mr Stockwell: The member from Riverdale said she was there for that. It was a quiet intensification because I don't think it was outrageously successful.

Hon Ms Churley: It hasn't begun yet.

Mr Stockwell: As far as alleviating the housing shortage, in fact I don't think it did that at all.

Hon Ms Churley: It hasn't happened yet.

Mr Stockwell: Well, of course it hasn't happened. That's what I'm saying. It's a city of Toronto intensification program that's now being foisted upon the rest of the province of Ontario. I'm saying to the rural members across the floor, if you want to see a made-in-Toronto policy, take a look at the intensification policy that's being offered up in this piece of legislation.

It hasn't worked in the city of Toronto. The member says it hasn't started yet. Well, it hasn't started yet because it can't work. It can't work because the only people who can afford to intensify are the government, local government. Developers aren't prepared to take the costs involved in intensification any further because it becomes unworkable to try and buy land, pay the cost of developing it, pay the cost of hearing it through the OMB, pay the cost for lawyers, build it and then try to sell it. It hasn't worked.

Again, it was in the mid-1980s when it was attempted. At that time the economy was much better off and it didn't work then either.

Hon Ms Churley: I got it mixed up with mainstreaming, actually.

Mr Stockwell: Mainstreaming, oh.

Mr David Johnson: Mixed up again.

Mr Stockwell: She got it confused with mainstreaming, the member from Riverdale. Mainstreaming is what you do during the election.

Mr David Johnson: How about casinos? Intensify casinos.

Mr Stockwell: Yes, we could always have casino intensification. I don't know if she's ever thought of that.

Hon Ms Churley: I guess I better keep my mouth shut.

Mr Stockwell: Yes, I think you'd better.

The other concern I have with respect to this document is, it seems to me there is no strategy for job creation. All we're talking about in this document is a planning process that's put in place. In my opinion, it's going to slow down the development industry significantly, and when the recovery comes—and I hope it will come sooner than later—it'll slow down the development industry and thereby be counterproductive for job creation.

When you talk about your job creation programs, with any cyclical uptake in the private sector, they could outstrip any kind of job creation this government could do and the billions of dollars you spend by a cyclical uptake in the economy out there, if the economy can turn around. If you throw roadblocks up like this particular report, the Sewell, or this piece of legislation, you're going to hinder yourself in recovery.

You're going to hinder the development industry because of the processes that you're putting in place. You're going to hinder the development of the construction jobs. You're going to hinder the development of housing starts, of multi-use housing starts, of commercial starts. By hindering that process, all you're going to do is slow down the recovery, because the recovery is a kind of thing that happens particularly in the construction industry and housing starts.

I'd like to know from any member across the floor exactly what this—

Mr Paul Klopp (Huron): How about the ones on the floor?

Mr Stockwell: On the floor? The member for Huron is on the floor.

The strategy for job creation is certainly not outlined in this piece of legislation. I thought this government was committed to creating jobs and I don't see it. I know the Minister of Agriculture, Food and Rural Affairs, who will be commenting on this, I'm sure, during the debate, will probably have—his constituents probably love it, I'm sure. Considering his most recent announcements, it would surprise me if they didn't love this piece of legislation. I'd be shocked if they didn't think this was a wonderful piece of legislation introduced by your government, Mr Minister.

The last thing is the municipal plans conforming to provincial regulations and environmental principles. You had that before, but the documentation involved as far as conforming is concerned is that you asked them to conform, you didn't dictate to conform. That, in my opinion, was a far better way to approach a municipal council.

They are autonomous boards, duly elected by the people of the province. By requesting that they follow certain guidelines, you got almost unanimous and total cooperation when you requested that they follow certain guidelines set down by the provincial government. Most municipalities, and particularly the big municipalities, understood that in fact they were creatures of the prov-

ince. They would begin and attempt to follow certain guidelines.

Under this particular reform package, you're demanding that they follow certain guidelines and all guidelines aren't in fact applicable to all developments in all regions within the province of Ontario.

Mr David Johnson: Must be consistent with.

Mr Stockwell: That's right, they must be consistent with. By forcing them to conform, you're making decisions on their behalf that may not be sensible decisions in their community.

Interjection.

Mr Stockwell: The member for Huron certainly must understand that his planning issues in the towns and communities that he represents have to be different than the concerns in London, Hamilton, Windsor and so on, but the same criteria that you must conform to is applicable to all areas. Be it urban or rural, all areas have to conform to the exact same criteria.

If that isn't a broad-brush statement on how planning should be done in Ontario, I don't know what is. I look to the member for Brampton South. His community has issues and development applications that are very different than the member for Huron's, but nine or so principles are in place that they all must live within.

Any rational, reasonable person would suggest you can't set specific guidelines for every neighbourhood and community and city right across the province because they're all different. I would say that is a concern.

Mr Klopp: They're not disagreeing with that.

Mr Stockwell: They don't disagree, but that's what the guideline says: You must conform to the guidelines set down by the province of Ontario. Everybody must conform, so I can only assume the member for Huron would then oppose this kind of legislation.

Mr Klopp: The OMB now recognizes that, and I have one of the toughest planners in Ontario. He told me that is one of the problems with this bill. It is a red herring.

Mr Stockwell: I think the OMB reads the same things we read and they say "may." I think that "may" is the word in the previous one.

Mr David Johnson: "Shall have regard."

Mr Stockwell: That's right. "Shall have regard." You're changing from "shall have regard" and mandatorily saying that you must now conform, and that's a vast difference.

Mr Klopp: But you can't go to an OMB hearing and use that or you get thrown out.

Mr Stockwell: When you go to the OMB—let me tell you, Mr Huron. When you go to the OMB, the OMB then reads the legislation. They say "shall have regard" means there's flexibility. Under this piece of legislation, there's no flexibility. You must conform. The bottom line is, every community, village, city, urban centre, across the province must conform to the principles listed in this piece of legislation. Case closed. No argument. The OMB's hands are tied. You must conform. That's all there is to it.

Every application from a severance to a lean-to to a skyscraper must conform, whether it's applicable to that community, whether it's applicable to that city, whether it's decent development, decent zoning; it matters not, you must conform. Whether there's an application or not, you must conform to these guidelines as set out by the Minister of Municipal Affairs. It doesn't make sense, Mr Speaker.

It doesn't make sense, and that's the problem with the piece of legislation. I think they came at the problem—they could have brought forward a lot of ideas that could have resolved them, but one idea that seems to cause the most concern out there, that is the most anxious, I think, for elected officials out there, is that they're top-down planning. They're telling everybody how they should be planning everything in the province of Ontario from here down, and it doesn't work. Communities have different standards, communities have different ideas about what a neighbourhood is, communities have different ideas about what is acceptable and what isn't. You can't make decisions for them here and then say, "Disseminate those decisions out across the province."

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What is acceptable in the city of Toronto is not going to fly in Etobicoke, and they're kilometres apart. God forbid you should try and write legislation that says, "In Hamilton you've got to do this and in Wawa you have to do the same thing." It's absurd. That's the point that's being made consistently.

Hon Mr Philip: It doesn't do that. You should read the bill.

Mr Stockwell: That's what they're saying. He's the same guy who told me he was cutting the school boards in Ottawa.

This is the kind of thing they're talking about. These are the kinds of concerns they're bringing forward. I ask the members opposite to take into consideration those concerns. They're not things that can't be applied to this bill. There are not amendments that couldn't be made that could fix this bill, but if you leave it as it is, in my opinion you're asking the entire province to have top-down planning and take away the very fundamental principle that made this place and neighbourhoods good, and that was neighbourhood planning, neighbourhood decision-making and the kind of processes that were put in place that gave communities a right to say what kind of communities they want to live with and the kind of politicians who say, "My community's different and distinctive and this is what we want."

The Speaker: I thank the honourable member for Etobicoke West for his contribution to the debate and invite questions and/or comments.

Hon Mr Philip: I think the honourable member, who has municipal experience, and I appreciate that, must have been reading the Costa Rican Times rather than the bill, because certainly some of the things that he said about environmental assessments on severances simply don't make any sense at all. The Environmental Assessment Act applies only to infrastructure projects, not to severances. The policy statement on natural heritage does

require an environmental impact study on land adjacent to significant ravines, valleys, streams, which I think he'd agree with if he had any sensitivity to the environmental concerns. But if these significant natural features are not nearby, the environmental impact study is not required. So the member is wrong. He's wrong. He's dead wrong. He hasn't read the act or the researchers for the Conservative Party haven't understood it.

He has concern about open local government. I can tell you that I get, on an average, between 300 and 500 inquiries or concerns by local ratepayers a year. I can tell you that the basic thrust of the Conservative Party—and I must say that the Liberal Party was much more open on this issue—is to go back to the old closed-door, cigar-smoking back rooms in which municipal councils, some of them, got together with the good old boys and made the decisions out of public view. He knows that's happened. We can name cities, we can name the smallest of towns where that's happened. I have the letters from people who are concerned about that. If you want to go back to the old days, this is the revision—I mean, Mike Harris has a plan for the year 2000. The trouble is that it's 2000 BC rather than 2000 AD.

Mr David Johnson: I want to compliment the member for Etobicoke West. Give him a round of applause. I think it's unfortunate, though, that the minister starts to refer to the old days and cigar smoking and that sort of thing. Why don't we just have a decent debate and talk about the issues?

The member for Etobicoke West has raised the issue of intensification. The member for Etobicoke West served here in Metropolitan Toronto about the same time that John Sewell was serving as the mayor of the city of Toronto, and the member for Etobicoke West knows from personal experience Mr Sewell's view of intensification. I can tell you, when John Sewell came to East York and talked to us when I was mayor about intensification and said we should put five or six storeys on every building on the main streets, that was one concept: main street intensification, five or six storeys.

In East York, not long after that, we had a public hearing. Sure enough, we had an application to put six storeys on a building on the main street. The problem is that people live behind, people in little bungalows, and for Pete's sake, this is a tremendous change on their living environment. They come out in great force and they say, "We've lived here for 20 years," or, "We've lived here for 30 years," and, "You're going to ruin our environment." This is a real adverse impact.

Intensification doesn't always work. The Board of Trade of Metropolitan Toronto has submitted a brief and said that it basically supports intensification, but you cannot force it on the people. So there certainly are problems.

The member for Etobicoke West, in his calm way, is trying to bring that out. I wish the minister would reflect upon that. Let's have a little even debate and not worry about cigar smoking in the back room.

Mr Mammoliti: I firmly believe that a four-, five- or six-storey building is much better than the skyscrapers that the Conservatives would advocate for, the 20-storey

high-rise building. I guess there's not as much profit in the four-, five- or six-storey buildings, and that's probably why they don't agree.

In the member's speech, however, there is one point that really disturbed me and that's the point of disclosure. I can't understand the logic, and I hope that he answers my question. I'll ask him very directly: What is the problem with councillors disclosing gifts, disclosing whatever they might receive from their grass-root municipal constituents? What is wrong with that? You very clearly in your speech said we shouldn't be doing that, that we should allow that flexibility, that we would discourage people from coming forward to run in elections. That's what I heard.

Mr Stockwell: It's not the same thing.

Mr Mammoliti: He's saying, "It's not the same thing." I'm asking him very directly to answer the question: What is wrong with what we're asking? You were complaining. Again, he was complaining in his speech in terms of disclosure.

Interjection.

Mr Mammoliti: He's saying I've missed my point. I've said enough. The questions have been asked. I hope he answers.

Mr Callahan: I just wanted to rise and say that the concern I have, and I think it has been expressed by the member for Etobicoke West, is that this really is top-down planning. The power the minister has is absolutely incredible. When you think about it, Bill 163 assigns municipalities the authority to make subdivision approvals, authority which municipalities already have. It also allows the minister to withdraw that authority.

Similarly, the minister is also given the power to remove the existing consent-to-severance authority of a municipality. This allows the minister additional authority to prohibit severances and subdivisions, even if the local official plan contains a provincially approved policy on severances and subdivisions.

That's an example of a tremendous amount of power being exercised by a minister of the crown who is only subject in a majority government to election every four years. Municipally, you can go before your municipal council and you can try to argue why this should not happen. People don't get that opportunity. If it's done by the minister, it may be done in a capricious fashion. It's an administrative act which is probably not subject to any type of court process and puts, I suggest, an unbelievable amount of power in the hands of the minister of the day of whatever political stripe.

If we're trying to plan for the benefit of a democratic state, then we really shouldn't be looking at that type of power being concentrated in the hands of one individual. I suggest that did happen in countries. We've seen what the result of that happening in other countries was, and it can become a very autocratic situation.

I think it makes it very difficult for developers or people who are about to develop to even figure out, "If I do this, will the minister crunch it afterwards?" I think it makes it very unclear and will cause a bad environment for development.

The Speaker: The honourable member for Etobicoke West has up to two minutes for his reply.

Mr Stockwell: I thank those who made comment. Quickly, to the minister, I don't want to talk about cigar-chomping back rooms. I am a Conservative. I sat on a number of councils and I don't ever remember having a cigar-chomping backroom meeting about the political destiny of a development.

Hon Ms Churley: You know what we mean.

Mr White: He wasn't at the meeting. He doesn't remember the meeting.

Mr Stockwell: Mr Speaker, I want to get finished this.

The Speaker: Order.

Mr Stockwell: I think it's a grotesque overstatement, it's unfair, it's not what I'm calling for and it isn't worthy of debate in this place. I don't call for secret deals in secret rooms and cigar chomping. I'm insulted by the comment.

As far as the assessment—

Interjection.

Mr Stockwell: You can look at the report that was put out by your ministry, sir: Comprehensive Set of Policy Statements. It lists on page 19 where severances are going to need environmental assessment reviews. Go read it. You're saying no.

Take your policy statement—oh, I nearly said something I shouldn't have—on page 19, and read it. It tells you where you need assessment reviews on severances, so don't tell me they're not needed. Right there, in your report your ministry wrote that you didn't read. Don't tell me I didn't read the legislation. It's right there, and it's got your own government stamp on it. It says right on it, government-stamped, page 19. Read it and then maybe you'd understand what you're talking about.

Instead of talking about cigar-chomping rooms, maybe you can talk common sense about your piece of legislation that you don't even understand, which is more bloody embarrassing than anything.

As far as the member across the floor from Yorkview, I think you misunderstood the point. It wasn't campaign donations I was talking about, it was disclosure of your assets, your mortgage, those kinds of things. Campaign disclosures I agree with. I disclosed municipally, as well as some other members probably had to too. I don't think anyone should get campaign donations without disclosing to the public. That's not what I was talking about. I agree

fully with that. I endorse that. I've done it in my life and I accept it. I wasn't talking about that. It was disclosure of assets such as mortgages etc for a \$3,000-a-year job; it's going to discourage people from running.

The Speaker: Does the Government House Leader have the business statement for next week?

BUSINESS OF THE HOUSE

Hon Brian A. Charlton (Government House Leader): Pursuant to standing order 55, I wish to indicate the business of the House for the week of June 20.

On Monday, June 20, we will give third reading consideration to Bill 136, courts of justice, third reading consideration to Bill 134, credit unions, committee of the whole House consideration to Bill 91, the Agricultural Labour Relations Act, and Bill 119, the Tobacco Control Act, and second reading consideration to Bill 171, sustainable forestry.

On Tuesday, June 21, we will give second reading consideration to Bill 175, the efficient management omnibus act, third reading consideration to certain private members' bills followed by second reading consideration of Bill 159, the Ontario Loan Act. Any time remaining following completion of these items will be allotted to the debate on the 1994 Ontario budget.

On Wednesday, June 22, we will give third reading consideration to Bill 91, the Agricultural Labour Relations Act, and Bill 119, the Tobacco Control Act, second reading consideration to Bill 175, the efficient management omnibus act, and third reading consideration to Bill 159, the Ontario Loan Act, and Bill 161, revenue enforcement. Following these items, we will consider a motion for interim supply standing in the name of Mr Laughren.

On the morning of Thursday, June 23, during private members' public business, we will consider ballot item number 65, second reading of Bill 170, standing in the name of Mr McGuinty, and ballot item number 66, Bill 176, standing in the name of Mr Hayes.

On Thursday afternoon, we will give third reading consideration to Bill 160, the Budget Measures Act, second and third reading to certain private bills, and other business to be determined.

The Speaker (Hon David Warner): It being past 12 midnight of the clock, this House stands adjourned until 1:30 of the clock Monday next.

The House adjourned at 0004.

**LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Monday 20 June 1994



Journal des débats (Hansard)

Lundi 20 juin 1994

Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 20 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 20 juin 1994

The House met at 1333.

Prayers.

MEMBERS' STATEMENTS

HELEN MABLE SMITH

Mr James J. Bradley (St Catharines): On Friday, June 17, St Catharines lost one of its most beloved and respected citizens, a historian, a humanitarian, a poet, a committed Christian, a loving and dedicated mother, Helen Mable Smith.

Helen Smith was the heart of the historic British Methodist Episcopal Church on Geneva Street in St Catharines, planning many of its important anniversaries, playing a prominent role in its services and raising essential funds for its continued existence.

The history of the underground railroad and the role Harriet Tubman played in bringing slaves from the United States to freedom in Canada was shared with all who would listen to Helen Smith through her compelling orations and her meaningful poetry.

Helen was a determined and eloquent spokesperson for the black community in St Catharines, but her generosity and concern knew no barriers of colour and race. She was prepared to help anyone in need and showed love and compassion to all.

As family and friends gather from across North America at the BME Church in St Catharines tomorrow to say a final farewell to a wonderful human being, they will remember that charming, genuine smile, that warm, friendly personality, that persevering, undaunted spirit, and they will know that our community, our country and the world have been a better place because of her life among us.

The spirit of Helen Smith will be with us for an eternity.

ARNOLD PATTERSON

Mr David Tilson (Dufferin-Peel): I'm pleased to rise and honour a constituent in my riding of Dufferin-Peel, who has been honoured this morning by the county of Dufferin as its Senior of the Year. Arnold Patterson is a most deserving candidate for this award for his never-ending efforts for community enrichments and strong leadership.

His political career in Dufferin county has spanned over 30 years. Even when his political career ended, Mr Patterson continued to support local projects such as the soon-to-be-complete Dufferin County Museum and Archives and the re-establishment of the Orangeville Opera House. The county of Dufferin has obviously benefited from Mr Patterson's historic restoration and preservation abilities.

Mr Patterson's community work does not end with

preserving our history. Arnold has also worked hard with a local steering committee reviewing waste management in Dufferin county. He believes that waste management deserves a local solution and has been working towards such a solution on the local steering committee.

Arnold Patterson has always been able to balance his community work because of a strong and supportive family. Prior to his retirement, he also operated a successful family-run furnishing business that served the surrounding community.

I am pleased that the county of Dufferin has seen fit to recognize one of Dufferin county's senior citizens through this award. I would like to add my own congratulations and to personally tell Arnold that Dufferin county has been lucky to have such a tireless worker for the community. I would like to wish Mr Patterson all the best. I know that he will continue his good work by providing leadership and a steady voice of reason to our community.

EVENTS IN NIAGARA REGION

Ms Margaret H. Harrington (Niagara Falls): I want to tell you about a unique and exciting place this summer, that is, Niagara Falls.

The July 1 Canada Day celebration is the largest community event of the year. All organizations in the city come together to enjoy a huge picnic, parade and birthday cake at Optimist Park, and this year I'll be giving out watermelon there.

July 2 will be the opening of the Niagara Gateway Festival Park and Welcome Pavilion with half a million dollars invested from Jobs Ontario. This includes a new park and outdoor amphitheatre overlooking the falls with great entertainment all summer long.

The Welcome Pavilion will have interactive computers to let visitors discover all that is going on in Niagara. Visitors can learn about the Shaw Festival, the Fort Erie Race Track, winery tours, Welland Canal tours and historic sites across the regions. In fact Sunday, July 24, will be the 180th anniversary of the Battle of Lundy's Lane from the War of 1812.

Our city is also gearing up for the Ontario Winter Games next March, thanks to a half-a-million-dollar investment from our government. Everyone is planning a great welcome for 3,000 of Ontario's young athletes and coaches. Downtown on Queen Street, the huge crane which dominates the skyline is giving rise to the beautiful new Ministry of Culture, Tourism and Recreation.

Yes, a lot is happening in Niagara Falls, so come and see us this summer.

IGNAT KANEFF

Mr Steven Offer (Mississauga North): I'd like to take this opportunity to acknowledge Mr Ignat Kaneff on

receiving a doctorate of laws from the University of Toronto at a ceremony which took place last week.

Iggy Kaneff is the president of Kaneff Properties Ltd, a highly successful company located in the city of Mississauga. Iggy has for many years worked tirelessly for the community. The work he has done for many groups and associations is well known. They have been the direct beneficiaries of his boundless energy. His commitment to higher education has seen significant additions made to the Erindale campus of the University of Toronto, located in Mississauga.

1340

I believe Iggy is representative of individuals who continue to give back to their community. They continue to contribute to the growth of the place they work and live in. They continue to make it a better place. I share with many our heartfelt appreciation to Iggy for his compassion and commitment. He has made the city of Mississauga, and indeed throughout the regional municipality of Peel, a better place not just in bricks and mortar, but also in spirit.

To Dr Kaneff, his wife Didi and children, congratulations on an honour well deserved.

GEORGIAN BAY MARINE HERITAGE FESTIVAL

Mr Jim Wilson (Simcoe West): I rise to encourage members of this Legislature and residents throughout Ontario to beat the heat this summer by attending the Georgian Bay Marine Heritage Festival, which runs through to September 30.

The festival will feature more than 350 events along the shores of Georgian Bay, and it also signals an exciting new direction for the tourism industry in this province.

More than 45 communities have joined with the private sector and community volunteers to help put this tremendous undertaking together. I am especially enthused that 130 of the organized activities will be held in the Georgian Triangle tourist area. These events include a Canadian navy competition, a re-enactment of key battles in the War of 1812, the re-creation of the Watt skiff and the holding of the world-renowned Collingwood Horse Show.

A quarter of a million visitors are expected to attend the 16-week festival. The highlight of the festival is sure to be the rendezvous of 16 tall ships and three modern feature vessels in Midland from July 30 to August 1.

I want to extend my sincere gratitude and appreciation to the countless volunteers and organizers who have worked tirelessly and shown great vision in bringing so many communities together towards the common goal of enhancing tourism in the Georgian Triangle area. The Georgian Bay Marine Heritage Festival will not only help to make the world aware of the richness of tourism in Georgian Bay, but it promises to be the event of the summer. I invite all members and their constituents to attend.

ST CLAIR RIVER WEEK

Mrs Ellen MacKinnon (Lambton): I had the pleasure this past Friday to take a short sail on the beautiful St Clair River in the riding of Lambton. The cruise was in celebration of St Clair River Week.

St Clair River Week is a celebration of the many groups and organizations that have been working on special projects to enhance this natural resource. The St Clair River plays an integral part in world shipping and tourism in the Lambton county area.

BPAC, the Binational Public Advisory Council, which is studying the St Clair River and ways to improve it, presented awards to groups that have contributed to the success of this project, going on now for six years.

The awards include the Walpole Island first nations for applying continuous pressure on authorities to enforce environmental policies on municipalities and industries. Also recognized was a group of students from the Port Huron area school district for evaluating water quality. The binational committee also recognized Imperial Oil for the installation of on-line analysers that allow continuous monitoring of the company's effluent to the river.

I am pleased, as the member for Lambton, to see such positive efforts in place to ensure that the above-average quality of the St Clair River is being maintained. I commend the Binational Public Advisory Council for all of its efforts. I also want to commend a group of little Brownies who paint fish on the water drains all over the city so people will remember not to put bad stuff down them.

ROAD MAINTENANCE

Mr John C. Cleary (Cornwall): The Minister of Transportation should be aware of the conditions of highways 401 and 2 in eastern Ontario. Potholes and drainage problems have become commonplace.

Many constituents have asked me what the Minister of Transportation is doing about Highway 2 between Cornwall and Ingleside. For example, Mr John Vincun writes, "Sections of Highway 2...are in a deplorable condition, and parts are so bad that it now would be cheaper to resurface than to fill the numerous potholes."

I've also heard many complaints about the drainage and pothole problems in Glengarry county east of Cornwall, where the crown of the highway has moved up higher than the sides of the road, creating slippery weather conditions in the winter months.

Mr Gerry Major has stated it would be in the best interest of the government to leave historical highways in a state of repair.

Finally, the "Welcome to Ontario" sign that greets westbound travellers from Quebec on Highway 401 is a disgrace. The paint is peeling off and it is in need of extensive repairs.

The Minister of Transportation owes drivers in eastern Ontario an explanation of why the roads and the signs have been allowed to deteriorate to such a degree. With all the good news we hear about Jobs Ontario, the minister could at least fill in some of the potholes in the short term, and surely the minister could afford a can of paint to make the "Welcome to Ontario" sign a little more appealing.

When can the taxpayers expect improvements?

JAMES J. MORRISON

Mr Ted Arnott (Wellington): On July 2 the Welling-

ton County Historical Society will be unveiling a plaque in Arthur to commemorate the life of James J. Morrison. I look forward to attending the unveiling ceremony in honour of Mr Morrison, who contributed so much to agricultural movements in Ontario.

Mr Morrison, who was widely known as J.J., was born and raised on a farm, close to Arthur in Peel township, which he later operated. The farm had been in the Morrison family for over four generations.

J.J. Morrison has been called the father of the farm movement in Ontario. A founding member of the United Farmers of Ontario, or UFO, and the United Farmers' Cooperative Co in 1914, Mr Morrison became the chief executive officer of both organizations.

The UFO won the provincial election in 1919. Mr Morrison could have been Premier but declined the Premier's office in favour of E.C. Drury, and instead he set and helped to implement the government's reform agenda during its four years in office.

An active participant in the Canadian Council of Agriculture, Mr Morrison helped to organize numerous United Farmers branches in the province of Quebec and in the Maritimes during the council's active years between 1910 and 1930. The dedication and hard work of Mr Morrison and his associates no doubt contributed to the strength of the present-day Ontario Federation of Agriculture.

J.J. Morrison knew and understood the needs of rural Ontario and successfully advocated on behalf of farm communities. Although it has been almost 60 years since his death, Mr Morrison's accomplishments have not been forgotten. The plaque in Arthur will serve to remind the public of his deeds and dedication.

MEALS ON WHEELS

TORONTO EAST GENERAL HOSPITAL

Mr Gary Malkowski (York East): I am very pleased to inform the members of the House of two very important celebrations that took place in York East last week.

On Thursday, June 16, Meals on Wheels celebrated 25 years of service by recognizing the contribution of their volunteers. I was very happy to celebrate with them on that day and express my own appreciation of the vital work that Meals on Wheels and their volunteers provide to the community.

From the little time that I have been able to spare to volunteer with this organization, I have gained firsthand understanding of just what it means to our elderly and disabled to have someone reach out a helping hand, to take some time to stop by to chat and to show how much we genuinely care. Again, I would like to say what an excellent job Meals on Wheels and their volunteers are doing.

On Saturday, June 18, Toronto East General Hospital celebrated their 65th anniversary by hosting an open house. The day included tours of different departments, checkups for the children's teddy bears and entertainment of a multicultural theme.

There was a very strong sense of community that day, and rightly so, since it was the community, way back in 1914, which saw a need for a hospital east of the Don

River. It was the community which built the hospital, and in 1929 Toronto East General Hospital opened its doors for the first time. I was very happy to be a part of that celebration last Saturday. I'm also pleased that Toronto East General is at the end of my street, and I look forward to its continued service to our community.

STATEMENTS BY THE MINISTRY AND RESPONSES

NATIVE HEALING AND WELLNESS

Hon Bud Wildman (Minister Responsible for Native Affairs): I'm especially pleased to rise in the House on the day before First Nations Solidarity Day to announce the aboriginal healing and wellness strategy. I'm joined in this by my colleagues the minister responsible for women's issues and Attorney General, Marion Boyd, the Minister of Health, Ruth Grier, and the Minister of Community and Social Services, Tony Silipo.

Also joining me in the House today for this announcement and sitting in the gallery are many leaders of the aboriginal community in Ontario including, from the Nishnawbe-Aski nation, Chief Ignace Gull and Chief Andrew Reuben; from the Association of Iroquois and Allied Indians, Cathryn George; from the Ontario Native Women's Association, Laurel Johnson; from Grand Council Treaty 3, Colin Wasacase; from the Union of Ontario Indians, Deputy Grand Chief Vern Roote; from the Ontario Federation of Indian Friendship Centres, Vera Pawis Tabobondung, the president; and a special welcome to Sylvia Maracle, the co-chair of the steering committee on aboriginal healing and wellness.

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I also would like to recognize all the other members, their staffs and the other chiefs who are here with us today.

The strategy I'm about to describe intends to begin to tackle the challenging health and social problems facing aboriginal communities in the province.

In doing so, it goes right to the heart and spirit of the government's aboriginal agenda first articulated in 1990. It supports our goal to develop with aboriginal communities programs and financial arrangements that enable aboriginal communities to improve the quality of life. It also represents a concrete step taken in partnership with aboriginal organizations to support self-government initiatives both on and off reserve.

We all, inside these walls and beyond, across the province and indeed across Canada, have experienced a sense of shared grief and frustration over the problems of aboriginal communities: the tragedy of children sniffing solvents or youths committing suicide, the family violence and abuse. It's such a waste of human potential. I have heard accounts from people who have experienced such tragedies personally and have been affected by them and have found them personally extremely distressing. Every time such incidents happen in an aboriginal community, families are torn apart, communities are exposed to the glare of media and public attention and family members take up the burden of shame and guilt, only to pass this painful legacy on to their children.

Back in January 1990, the New Democratic Party, then

in opposition, released a report entitled *First Come, Last Served: Native Health in Northern Ontario*, in which we urged the provincial government to enter into discussions with first nations to provide programs to deal with family violence, mental health, substance abuse, crisis prevention and training of native health care professionals.

I am pleased to report that since we formed the government, we have worked in partnership with aboriginal communities to begin to meet this challenge. We have asked how we could best respond to the immediate crises of aboriginal communities and, more importantly, we have asked how we can support aboriginal groups that are taking the initiative, working with families to restore and rehabilitate the physical, mental, emotional and spiritual health of aboriginal people. We see these steps as vital to improving the quality of life and to building strong, self-sufficient communities that will lay the groundwork for self-government.

We've asked these questions and we've heard the answers: Short-term solutions don't work; funding needs to be long term in order to address problems that are passed from generation to generation; service providers must learn to understand aboriginal families and communities better; above all, we heard that aboriginal people want to solve their own problems on their own terms and in their own way. This message was repeated over and over again in what we know to be the largest public consultation ever undertaken in this province, a consultation that included 7,000 individuals and organizations in 250 communities.

The aboriginal healing and wellness strategy will provide financing from reallocated funds from the four ministries taking the lead on this initiative: the Ontario Native Affairs Secretariat, the Ontario women's directorate, the Ministry of Health and the Ministry of Community and Social Services. The funding will increase from \$7 million this year to \$33.5 million in operating funding in the fifth year. Total capital funds over the five years will be \$15.9 million.

The proposed initiatives include the setting up of traditional healing lodges, shelters or safe homes for those leaving violent situations, crisis intervention teams to deal with problems such as suicides, health centres delivering primary care, birthing centres, and health promotion and prevention workers.

The aboriginal healing and wellness strategy provides a holistic approach to healing and treating the individual through life's stages in the context of family and community. It combines the work of the aboriginal health policy and the aboriginal family healing strategy developed by eight aboriginal organizations and 10 provincial ministries. Both were accepted in principle through an all-chiefs conference resolution.

I'm pleased to report that the federal government has shown interest in implementing the strategy. We will be negotiating with our federal counterparts, together with aboriginal organizations, for aboriginal government involvement.

Besides the social and health-related benefits I've outlined, the strategy will also have favourable economic impacts in the short term. Some aboriginal communities

experience up to 80% unemployment. The strategy will make it possible for about 600 service jobs to be developed for aboriginal people. It is also anticipated that an additional 195 jobs will result from construction of the proposed facilities.

Several aboriginal communities have already begun the work on this strategy and have their support for it. Several healing lodges are being built. Forums on youth suicide are being held by the Nishnawbe-Aski Nation. A number of aboriginal agencies for child and family services have been established and some innovative community justice projects are under way.

From the beginning of the consultation process and on to this implementation, this strategy represents a new way of working in partnership with the aboriginal people of this province. Aboriginal communities are calling for support so they can begin healing their families and work to remove the barriers on the road to self-sufficiency and self-government. I feel I can say on behalf of all members of this House and indeed on behalf of the people of Ontario that we will join the aboriginal community in achieving these goals. Meegwetich.

Mr Dalton McGuinty (Ottawa South): I want to begin by congratulating the minister responsible for native affairs for what I feel is a very important initiative in this province. It is certainly one that I hope will lead to great success in terms of addressing some of the very serious social problems found among our first nations peoples and especially so in the more remote communities.

I have had the opportunity, together with my colleague the member for Kenora, to visit some of the northern aboriginal communities and to witness at first hand some of the living conditions and some of the conditions you can only categorize as desperate. Sometimes we seem to have grown inured or numbed to some of the terrible realities facing our first nations peoples. Just to remind the members of the House, I want to provide a few of the statistics or facts relating to life of aboriginals. This is more broadly based, for Canada.

It says here that suicide rates are unmatched in any other population in the world. Among our adolescents the suicide rate is seven times the national rate; the number of children in care is six times the Canadian rate; the incidence of alcoholism is 13 times the Canadian rate; the rate of foetal alcohol syndrome is between 15 and 20 times the Canadian rate; the death rate for aboriginal persons under age 35 is three times the Canadian rate; the rate of unemployment stands around 70%, and even as high as 80% on some reserves; 80% of aboriginals in Canada live under the poverty line; and data from the most recent census show that aboriginals live in the poorest housing conditions in Canada.

I had the opportunity to speak with a number of the aboriginal persons living in the northern communities. Notwithstanding all the differences, I think one of the most telling things for me was that—and this I obtained as an impression from dealing with parents—parents there are the same as parents here. At the end of the day, what they want is a better tomorrow for their kids, and nothing short of that.

1400

In the face of the problems that aboriginal persons have faced in the past, our traditional response has been to simply ask ourselves, what is it that we can do to help them? How do we bring to bear our traditional justice system or health care system? I think the attractive element in this initiative is that it is cognizant of the difference in cultures and also of the different approaches that have been brought in the past by the native communities to their own problems. I think we have to capitalize on the expertise, so to speak, of the aboriginals themselves and to give them more control—that's the long and the short of it—in terms of dealing with and addressing their own particular problems.

There have been several suicides—I'm not sure of the number, but far too many—over the past few years, particularly among our adolescents living in northern communities. God knows that the efforts we have been making have simply not been working, and for that reason I am placing a great deal of hope in this strategy.

I also want to remind the minister, and I'm sure he recognizes this, that the real antidote to the hopelessness and the conditions of despair and the health and social problems will lie, at the end of the day, in economic self-sufficiency for native communities, and it is my hope as well that this government can and that we can, collectively, restore that hope and optimism in the best way we can.

Mr Charles Harnick (Willowdale): This is a statement that I believe is an important statement and it's a statement that I wholeheartedly support.

It's interesting that there will be a significant reallocation of money to deal with the setting up of healing lodges, shelters, safe homes, crisis intervention teams to deal with problems such as suicides, health centres delivering primary care, birth centres, and prevention and health promotion workers. That alone says an awful lot, where the needed funding is going.

It's also very important to note that the initiatives in this statement are not initiatives that are short-term solutions and it quite specifically is geared to funding needs over the long term.

The only area I have some reservations about—and it's probably more the fault, with respect to the minister, of the statement than of what the whole program is really about—is the fact that it's very short on specifics of how the program is going to work. I can appreciate full well that those specifics are specifics the aboriginal community will be developing, because I know they've been working very hard at this and in fact have been developing the strategies. But I would have liked to have known what those strategies were in some specifics, because it's important for us, to be part of that solution, to help, when we're allocating significant sums of money, to understand what the strategy is going to be to deal with these very difficult problems.

As an example, we have the tremendously high suicide rate among young people, as my friend said, the former speaker, seven times that of the national average, yet there is no strategy in here other than to say funding will

be directed towards that problem. I think we would all be well served if the minister could ultimately let us know what strategy is going to be developed to fight that problem. It's a very, very important situation that's been lingering, it's been getting worse, and there has been no directed funding or strategy to solve that problem.

I wholeheartedly support this statement, but I very much would like to see what strategies are going to be used to embark on solutions for these very difficult problems.

The Speaker (Hon David Warner): It is now time for oral questions.

Hon David Christopherson (Solicitor General): Mr Speaker, I understand we have unanimous consent for a statement regarding the tragedy of last Thursday.

The Speaker: Do we have unanimous consent? Agreed.

TODD BAYLIS

Hon David Christopherson (Solicitor General): It is with great sadness that I rise today to express my deepest sympathies over the tragic shooting death of Constable Todd Baylis of the Metropolitan Toronto Police Force late Thursday night.

Constable Baylis had a very promising future ahead of him in law enforcement. I understand that he was a hardworking, dedicated officer who spent many of his off-duty hours engaged in community activities. He was well respected among his peers and he was proud of his family tradition in policing services. His father is Detective Edward Baylis, also of the Metro police force.

At funeral services to be held in Thornhill this Wednesday afternoon, I anticipate being among the friends and relations and thousands of fellow officers from police services throughout this continent who will pay tribute to a man who was proud of the difference he made in his community as a peace officer.

On behalf of the government and all members, I would like to extend my condolences to Constable Baylis's family.

The sacrifice and dedication to duty that was made by Constable Baylis and the thousands of other men and women who serve and protect the people of Ontario demands the respect and appreciation of all of us.

I would ask members to join me in a moment of silence, to pause and pay tribute to Constable Baylis.

The Speaker (Hon David Warner): Could I call on visitors in the gallery to join members in a moment of silent tribute.

The House observed a moment's silence.

The Speaker: You may be seated.

Mr Gerry Phillips (Scarborough-Agincourt): I appreciate the opportunity to also comment on the tragic death of Constable Baylis. I think all of us woke up Friday morning to begin hearing the news and to go through what I felt was almost a roller coaster ride of emotion.

The first emotion, of course, was one of shock as we heard the details unfold of the shooting and death of Constable Baylis and the injury of his partner, Constable Leone.

Then there's the emotion of sorrow, as we think of the family and the fiancée of Constable Baylis.

Then there's the normal emotion of anger as we heard the details that perhaps it was possible for something to have been done. As we understand the details of the individual who committed the crime, perhaps something might have been done to prevent him from being there.

Then I guess as legislators, there's the emotion of guilt. Is there something we could have done to have prevented this? Are there some things we as legislators could have done to have headed this off?

Then there's the emotion of respect and admiration. I live in Metropolitan Toronto. I've had a chance to work with Chief McCormack, as many of us have, and many members of the force. We're fortunate to have someone of Chief McCormack's calibre and indeed of the 5,000 men and women who make up the police force in Metropolitan Toronto.

The emotion of gratitude: I've coached hockey for many years, the last 10 years with a Metropolitan Toronto police officer, so I get a mild insight into the challenges the police department faces. It is a very, very difficult job they have. Periodically, I do have a little insight into that unique group of people, who have a bond that I don't think any of us can quite appreciate. Certainly today our thoughts are with the 5,000 men and women who understand the emotion that the force is going through right now.

The last emotion for all of us is one of hope. We're fortunate to have a dedicated group of people out there, and if we all work hard at it, I think we can in some way or other make their job easier and make our community safer.

I join with my colleagues in sharing in a very emotional experience for all of us but particularly for the Baylis family, with a history of service to Metropolitan Toronto, with his father on the police force. As the minister said, Constable Baylis, both in the community and in his work on the police force, showed himself to be a typical, fine, upstanding, important citizen of Metropolitan Toronto, and so our sorrow goes out to the family as we stand here today.

1410

Mr Michael D. Harris (Nipissing): It's with a great deal of sadness that I rise today to join my colleagues, all 130 of us from all sides of the House. Of the many tasks that as legislators we're called upon to do, today's is far and away, and I have no hesitation in saying, of anything that I'm called upon to do as a legislator and as leader of the party, the most difficult. It is a task that is the most difficult for the chief of police, to talk to the family.

It is a time when, as my friend the member for Scarborough-Agincourt, my colleague from the Liberal Party, has said, we tend to, in our sadness, look at ourselves, look at responsibilities that we have, and we will surely do this. It's a time when it brings home to us the absolute, every-minute-of-every-day peril that men and women who serve in our police force put themselves in. Every shift, every time they go on duty, they know that their life is in danger. It's a time when we want the

Baylis family and we want every police officer all across this province to know that we're not only extending sympathies today but we are understanding of the difficulties that they and their families face every time a police officer goes on duty.

On behalf of my caucus, I too extend our deepest sympathies to the Baylis family and our understanding to all the men and women of police forces across this province and to their families of what they live with every day.

ORAL QUESTIONS

SALE OF AMMUNITION

Mrs Elinor Caplan (Orillia): As everyone has so eloquently said in the last few minutes in this House, when we have the shooting of a police officer, we all struggle in a non-partisan way to find some meaningful thing that we as legislators can do. My question is to the Premier, because I know he feels very strongly about this. I'm hopeful that perhaps there is something we can do in an expeditious way that we know will not solve the whole problem of violence in our community but will show our constituents and the people of Metropolitan Toronto and the province that there is something that we as legislators are willing to do expeditiously to begin to deal with this problem.

We know that the justice committee is meeting and considering a bill and is ready to report on the bill. We know, Premier, that with your support it would be possible for that bill to be reported to this Legislature so that it could be passed on an urgent and expeditious basis. I'm asking you today if you'll do that; if you'll ask that Bill 151 be brought forward so it can be dealt with before the House rises before the summer. It's one small step; it certainly isn't going to solve the problem—I'm not suggesting that; but as a legislator in this House, I would like to feel, and I know my colleagues on all sides of the House would like to feel, that we are doing what we can to begin to address this issue.

Hon Bob Rae (Premier): I think the Solicitor General should answer that because of the work that he's done on this matter.

Hon David Christopherson (Solicitor General): I would like to say to the honourable member that it was very much in this same kind of climate and understanding and feeling about what's going on in our communities that the suggestion was made that indeed we have an all-party committee, setting aside partisanship, look at the issue of community crime prevention, as well as the issue of a more responsible regulatory system around the availability of ammunition. It was in that same spirit that the third party and the government agreed to join with the opposition in putting together terms of reference for a legislative committee to look at those very issues.

We are very close to them finalizing their work and I sincerely believe that the best thing we can do on this issue, and out of respect to our colleagues and the process that we agreed to, is to allow that committee to complete their work, see what their findings are and then respond quickly and adequately to the recommendations they may make.

Mrs Caplan: We know that the issue of ammunition control is clearly and wholly within the responsibility of the province. The evidence before the justice committee has said that.

I'm asking you today, Minister, if you will expedite the passage of that bill so that all of us in the House, while we don't expect that it's going to end all violence, know that it's one small step. We very much support the issue being fully discussed and debated and looking at what everyone can do, all governments working together. The Ammunition Control Act, Bill 151, is something that we can do today. My request of you is to expedite that so it can be passed before this Legislature rises.

Hon Mr Christopherson: One of the things that we asked of that committee was to bring in constitutional experts, firearms experts, to give advice to the committee so that they might give advice to the House. I do not have the benefit of their report, of their findings. That report has not been issued. Yet I understand it's expected very shortly, within the next few days or a week or so. I really believe that waiting for that report is the best thing for us to do.

We've come all this way on the issue. To suddenly bail out of the process a few days before the end I don't think is the right type of process for government or for all members of this Legislature. I still maintain that we should have benefit of that report. That's the very issue we asked them to look at. I certainly, as the minister responsible, would like benefit of their work and the expertise that was provided to that committee.

Mrs Caplan: I think today I'm expressing the frustration of all members of this House who would very much like to be able to take some action in response to this tragic event we've had in Metropolitan Toronto. I think if you asked, you could have the report that you're requesting within a matter of a day. This House has four days to sit. Minister, we're offering you our support to see that this bill is passed before the House rises. If it is at all possible, we're asking for your commitment to do that. Will you see that Bill 151 is passed before this Legislature rises?

Hon Mr Christopherson: I don't believe the committee has concluded its work. If they had concluded their work, we would have the report and I would be able to comment on that report on behalf of the government, but they've not completed their work yet.

I think it's also important that we recognize that the federal government has indicated, at least at this point, its interest, and we're hoping it's prepared to make a commitment. I would ask the honourable member to use her influence with the federal Liberals to make that commitment, because one of the things that we do need in Canada is uniformity of the laws surrounding gun control or we run the risk of leaving major gaps in our ability to provide the protection that we're trying to give to the public.

I have said on every occasion I've been asked that this government stands wholeheartedly behind the issue of more responsible control around the issue of ammunition. The question before us is: What is the best way to do that? We've asked, at the recommendation of the opposi-

tion, to have a committee look at that issue. They have almost completed their work. I do believe that it makes eminent good sense for us to wait for that committee to conclude their work and make their recommendations to this Legislature.

CONFLICT-OF-INTEREST GUIDELINES

Mr Robert Chiarelli (Ottawa West): To the Minister of Housing: In August 1993, Sharron Pretty was appointed as a tenant director to the board of a provincially funded non-profit housing corporation, the Van-Lang Centre in Ottawa West. As a director, she became very concerned about the management of the board and repeatedly was refused information a director is normally entitled to, including the corporation's annual return to the ministry and tenant waiting list information.

She was advised by the Ministry of Consumer and Commercial Relations to report the matter to the crown attorney, and the crown subsequently charged four directors with provincial offences under the Ontario Corporations Act. Ms Pretty and the former manager, Ms Trinh Lu, have also made other very serious charges of mismanagement. The crown is also presently considering fraud charges against a member of the board.

1420

Minister, my question to you is this: Time and time again we have heard ministers say they cannot comment on a matter because it is before the courts, yet last Friday, having full knowledge of the provincial offence charges involving matters within your ministry and by your own admission, you attended a meeting and endeavoured to mediate a matter before the courts and requested Ms Pretty to speak to the crown to have the charges withdrawn. Minister, will you resign now?

Hon Evelyn Gigantes (Minister of Housing): I did in fact have a meeting with members of the board, including Sharron Pretty, last Friday, and it was an attempt in good faith to try and see if it were possible to work out the kinds of difficulties that board members have experienced in the operation of the Van-Lang non-profit development. In the course of that, we discussed many options. I never asked anyone to speak to anyone about withdrawing anything.

Mr Chiarelli: Minister, at the very least you should never have attended a meeting at which details of a court case involving your ministry would be discussed. But you went further. According to Ms Pretty, with whom I spoke today, you clearly left the impression that the best way for her to get information she was legally entitled to receive, both from the non-profit corporation and from your own ministry, was to speak to the crown about dropping the charges.

Minister, you did the honourable thing and resigned when you were Minister of Health for an error caused by a staff member. Why won't you resign now for your very active role in breaching the Premier's conflict-of-interest guidelines?

Hon Ms Gigantes: I have not breached the guidelines of the Premier on conflict of interest at all. We did not discuss the details of legal actions. Among the options that were discussed was what might happen if the various

parties were to step back from all the intense actions that has been going on, including a motion to the board to remove Ms Pretty as a member of the board.

Interjections.

The Speaker (Hon David Warner): Order.

Hon Ms Gigantes: I think that—

Mr Gregory S. Sorbara (York Centre): Get the Joan Smith/Bob Rae speeches out.

The Speaker: The member for York Centre, please come to order.

Hon Ms Gigantes: —anybody involved in that meeting felt that it had been a helpful meeting. I left the meeting not convinced that a solution was imminent, but that it was possible that board members would be able to work things out without pursuing the kinds of intense actions against each other which have happened to this point.

Mr Chiarelli: Minister, I think some of the people who attended that meeting have a different recollection of what happened. I spoke to Ms Pretty and Ms Lu today and they have both confirmed to me that they were trying to resolve these issues outside of politics; indeed, the issue became public when somebody in the Ministry of Housing itself leaked this file to a newspaper on June 1, when there were published reports for the first time.

Ms Pretty and Ms Lu are two conscientious and honourable citizens. Ms Pretty confirmed to me that her quote in the *Ottawa Sun* was accurate; namely—and I'm quoting here—"Pretty said Gigantes attempted to defuse the situation by suggesting she ask the crown to drop the charges in exchange for the other directors not following through on a threat to kick her off the board."

"On two or three occasions, (Gigantes) said, 'Let's deal with this without going through the courts,' openly saying I should drop the charges," Pretty said." So there obviously is a disagreement on what happened at that particular meeting.

Minister, I have a very simple question for you: Have you spoken to the Premier about this, and if you have, what did the Premier say? If you have not spoken to the Premier, why have you not spoken to him?

Hon Ms Gigantes: I do talk to the Premier and of course I have discussed this with the Premier, but I want to underline to the member for Ottawa West that I agree with him: All the people involved in this discussion are honourable people of integrity. What we were trying to do was to resolve the difficulties among honourable people with integrity.

Mr Sorbara: You're interfering with the justice system.

The Speaker: Order.

Hon Ms Gigantes: I do believe that it is an important kind of initiative for the Ministry of Housing to be undertaking—

Mr Sorbara: We have standards in this place.

The Speaker: Order. The member for York Centre, please come to order.

Hon Ms Gigantes: —indeed for me to have attempted

to undertake to resolve issues that had been outstanding for many months, which had not been resolved completely to the satisfaction of Ms Pretty, in spite of the fact that the ministry had undertaken a compliance report in the fall, and the ministry continues to work with the board.

At the end of our meeting, what we had agreed was that people would think about the options, that they would think about whether to hold another meeting at which I had suggested perhaps we could involve not only a representative of the Ministry of Housing but also a facilitator, a person who would assist the meeting, perhaps a representative of the Ontario Non-Profit Housing Association.

I think we all felt it was a fruitful meeting, and there was no suggestion that I was pressing anyone to speak to the crown.

The Speaker: New question, third party. The leader of the third party.

Mr Michael D. Harris (Nipissing): My question to the Premier is concerning the same matter. Premier, your Minister of Housing acknowledges in the quote in the *Toronto Star* today that she said, "(talking to the crown) is a possibility and I presume it is, but I don't know." Those are her words.

Ms Pretty has indicated that Ms Gigantes had said, "'Let's deal with this without going through the courts,' openly saying I should drop the charges." Certainly the quote from Ms Gigantes and the understanding from Ms Pretty are not inconsistent one with the other.

Premier, I think you would agree with me it would be most inappropriate, against your guidelines, unacceptable for a minister of the crown to interfere in this case directly with the crown attorney. That would be unacceptable. It has been acknowledged unacceptable behaviour for any minister of the crown to intervene with a crown attorney even when it doesn't deal directly with their ministry, but in this case this is something directly within the control and jurisdiction of the Minister of Housing.

Given that this would be unacceptable behaviour, against your conduct, are you telling us today with your inaction that it is okay, because she couldn't directly go to the crown, to encourage somebody else to go to the crown and interfere and intervene in this case? With your silence, that's what I'm interpreting.

The Speaker: Would the leader complete his question, please.

Mr Harris: Do you think that's okay, Premier?

Hon Bob Rae (Premier): If I've been silent, it's because I'm waiting to answer your question. I'll say very directly to you that you're quite right when you suggest that for a minister to talk to a crown attorney would be quite inappropriate, and not only in breach of any guidelines, but also I think clearly the wrong thing to do. But that is not what we have in this situation at all.

The member for York Centre who says from his chair that what we have here is an interference in the administration of justice is quite wrong, and it's quite unfair, and it's a gross misinterpretation and reflects very poorly on the member in terms of the kind of allegation that he's making.

What we have here is a bona fide attempt—the minister met with the members of the board of this particular non-profit housing corporation because of a series of problems that had arisen within the corporation, which were well known to everyone concerned, in which the minister was asked if she would have a meeting with members of the board, and she agreed to such a meeting. She went in with the regional manager of the Ministry of Housing, who's a public servant of long standing, in which she simply tried to use her good offices to try to effect a resolution of some differences which were affecting the good-faith operation of the board.

1430

The Speaker: Could the Premier conclude his response, please.

Hon Mr Rae: That's all she tried to do. That's all the meeting was an effort to deal with. There was no suggestion by the minister that she would ever contact a crown attorney, or no suggestion on her part that she would urge that any charges be dropped. All she was doing in that meeting was making a good-faith effort to deal with this question.

The Speaker: Would the Premier please conclude his response.

Hon Mr Rae: I say to the honourable member—

Interjections.

Hon Mr Rae: I'm having difficulty hearing myself, Mr Speaker.

If he would like to have the matter referred to a committee of the House for a discussion with respect to who said what and what was the exact nature of the meeting, I'm sure that could be done and that could be arranged. But to suggest—

Interjections.

The Speaker: Would the Premier please take his seat. There will be a supplementary.

Mr Harris: Premier, you've acknowledged that the minister used her good offices. I assume that is an intervention that the minister was engaged in. You indicated that the minister did not make any reference to the crown. The minister's own words—unless this quote is inaccurate, if that's what you're telling us—her quote, not the allegations by others, the minister said, "Talking to the crown is a possibility." That's a quote. So you're telling me then that this story is inaccurate, and it's in quotations, and that this is false.

The Minister of Housing knew that charges had been laid against members of the board of the Van-Lang Centre in Ottawa; she knew that. It was inappropriate to even suggest that a member of the board speak to the crown to have the charges dropped. In fact, what the minister has done is to essentially tamper with a person who presumably would be a key witness in the crown's case.

I suggest to you, Premier, that if any one of your cabinet ministers tampered with a key witness, went to meet with him, tried to resolve, using their good offices, in a murder case or in any kind—

The Speaker: Could the leader place his question, please.

Mr Harris: —of a serious criminal action, you would say, "That's inappropriate." Presumably, you're judging this case isn't that serious so this intervention is okay. Is that what you're telling us, that the intervention is okay because the intentions were good and it's not really a serious criminal offence?

The Speaker: Would the leader complete his question, please.

Mr Harris: It is a very serious charge. I ask you to reflect again. Do you think this was an appropriate meeting, for the minister to go and try and talk witnesses out of—to go to the crown attorney, out of proceeding through the courts? Do you think that was appropriate?

Hon Mr Rae: One of the issues that led to the meeting was an effort by some of the board members to have Ms Pretty removed. One of the things the minister was trying to do was to mediate in what is admittedly a difficult situation in that particular corporation.

But I would say to the leader of the third party that if he wants to be taken seriously, to make the kind of allegation and then to make the kind of comparison that he's just made really puts him right over the top in terms of dealing seriously with the issue which is at hand.

Mr Harris: I'm sorry, but if the Premier thinks he can judge the seriousness of an offence and say, "It's okay with this offence but not okay on a serious criminal charge or a murder charge, clearly that wouldn't be okay," now you are acting like judge and jury and saying, "I'll decide which cases are serious enough that the minister can intervene on or not intervene on."

Premier, what happened here is clearly a case where, for incompetence or mismanagement or indifference or any number of reasons, the minister did not deal with the problems of the Van-Lang Centre months ago when she knew about them, and she should have. As a result, the situation worsened to the point where the crown laid charges. At that point, it is now too late to use good offices to meddle with the justice system. Clearly, you should understand that. I don't expect the minister to understand that. She hasn't understood the fair rules of what a minister should do or ministerial conduct at any time that I have seen her in the performance of her duty.

The Speaker: Would the leader place a question, please.

Mr Harris: I don't expect that from her, but I expect it from you, Premier. I ask you, for the final time, do you accept those standards of intervention as okay? Is that your standard now, the Bob Rae standard of conduct?

Hon Mr Rae: I expect ministers to exercise good judgement and to exercise high standards. I would say to the honourable member, a member for whom ordinarily I have some regard from time to time, that his description of these events and his use of whatever rhetorical comparisons he's seeking to make are really quite unfair and don't reflect very well on him in terms of his exercise of his own judgement. I would say to him directly and I'll say to him once again that if there's a matter with respect to this meeting or with respect to the operation of the co-op that you think should be referred to committee, we'd be more than pleased to have it referred.

The Speaker: New question.

Mr Harris: I accept your offer. We'll have it referred to a committee. Let's hope you don't use your majority on the committee to cover it up like you do everything else.

AGRICULTURAL LABOUR POLICY

Mr Michael D. Harris (Nipissing): My second question is to the Premier as well, where the government has used its majority once again to stifle any input on Bill 91. This is a piece of legislation that fundamentally affects Ontario's 60,000 farm families. Your agricultural labour legislation, Bill 91, treats a family farmer's field like a factory floor.

Two weeks ago you used your majority once again to ram through a motion that effectively shuts down debate on this bill, but more importantly, prevents farmers from having their say through any public hearings. One of the fundamental rights of those who are affected by legislation is to have the matter referred to a committee and to have hearings so you can hear from those affected by it.

Can you explain to me why the so-called New Democratic Party is so quick to stomp on the democratic rights of farmers and those in rural and agricultural Ontario from even having a direct say or input through hearings on Bill 91? Can you explain that?

Hon Bob Rae (Premier): I think I'll let the Minister of Agriculture, Food and Rural Affairs answer that question.

Mr Noble Villeneuve (S-D-G & East Grenville): On a point of order, Mr Speaker: This is a Labour bill. I do not think the Premier can pass it back to the Minister of Agriculture. It should be the Minister of Agriculture, but it's a Labour bill. It should be to the Minister of Labour.

The Speaker (Hon David Warner): I understand the point of order raised by the member for S-D-G & East Grenville. However, I listened carefully to the question, and the Premier is certainly within his right to refer the matter to the Minister of Agriculture, Food and Rural Affairs.

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): I would point out to all the members that this was a cooperative venture right from the start. The Ministry of Agriculture, Food and Rural Affairs cooperated with the Ministry of Labour in developing this bill. Beyond that, in the field, this bill and the associated regulations were developed in consultation with farmers, farm groups and labour groups.

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There was a task force that brought forward a series of recommendations that were put together and vetted in the farm community and the labour community. This bill was put together through very extensive consultation with all the groups. It was put together in the proper way, the way a bill should be put together, and was brought before this Legislature with the support of all the farm groups that are represented on that committee.

We're very proud of that bill. It has been put together in a very broad, consultative method.

Mr Harris: The only cooperation on this bill has

been you and the Minister of Labour and your cabinet conspiring to jam this through without consultation from the farmers. That's been the only cooperation.

I've got to tell you that I find it embarrassing that the one member of this cabinet who should be fighting for farmers and standing up for them is now defending this action, defending the Minister of Labour and defending the Premier jamming this legislation down their throats, refusing to even have public hearings.

Given that you have abdicated your responsibility to speak up on behalf of farmers, will you now intervene and allow this bill to go out for hearings so farmers who don't have a voice at the cabinet table can express their views themselves?

Interjections.

The Speaker: Order.

Hon Mr Buchanan: Most farmers across this province belong to one or more farm organizations, and through those organizations have been well represented on the task force—

Interjections.

The Speaker: The members on both sides of the House are making it difficult for me to hear the reply from the minister.

Hon Mr Buchanan: As I was saying, the farmers across the province usually belong to one or more organizations. Those organizations have taken on the responsibility of developing a bill that suits the needs of farmers and agriculture across this province.

Some of the key ingredients of this bill were brought forward by the farm groups. One was the fact that they cannot afford to have a strike. Despite what the official opposition party continues to say, this bill clearly says there will be no strikes or lockouts. It also provides opportunities for dispute settlements to be worked out cooperatively between labour and farm groups.

This bill has been put together in the proper way with consultation and a task force made up of the interested parties. The member across the way should get on board, take a look at the bill and realize that the family farm everyone is very supportive of in most cases is not going to be affected by this bill at all.

Mr Harris: This is a sad day for farmers in Ontario. It's a sad day. It's a sad day for democracy.

Interjections.

The Speaker: Order.

Mr Harris: This is a sad day for democracy when you won't allow hearings, and this is a sad day for farmers when the Minister of Agriculture will not stand up, not only for their rights in this legislation, but will not even stand up for their right to be heard. In the face of the abdication of all responsibility, I don't think I have any further questions to the Minister of Agriculture.

Hon Mr Buchanan: The member across is quite interested in farmers and rural Ontario. His revolutionary document does not mention farmers or agriculture at all, other than it says it will cut funding of all the ministries by 20%. I don't know where he comes from if he's worried about farmers and agriculture today.

The other thing is that this makes our province the same as all other provinces, except for Alberta, so this is not a revolutionary thought. Maybe that's why the member doesn't support it, because it's not revolutionary, because this brings us into line with all other provinces. If the member is so concerned about—

The Speaker: Would the minister conclude his response, please.

Hon Mr Buchanan: —agriculture and farms, he should include that in his document.

REFERRAL OF QUESTION

Mr Ernie L. Eves (Parry Sound): On a point of order, Mr Speaker: I realize it's question period time. I have two points of order, actually. I didn't know it was appropriate for somebody to respond to a non-question. There was no question.

Interjections.

The Speaker (Hon David Warner): Order.

Mr Eves: Point number two: I'd like the Speaker's interpretation of standing order 33(f), which says, "A minister to whom an oral question is directed may refer the question to another minister who is responsible for the subject matter to which the question relates."

Interjection.

The Speaker: Order.

Mr Eves: I hear the Premier saying yes. He might want to look at Bill 91, because the sponsor minister of Bill 91 is the Minister of Labour, Mr Mackenzie. If you think it's an Agriculture bill, you should have had your Agriculture minister bring it forward. It was an improperly referred question.

The Speaker: To the member for Parry Sound on the two points which he raises, the last one first: The member will know that the minister to whom the question is directed has the option of referring the question to a minister he or she feels is most appropriate to answer the question under the circumstances. The subject material dealt with farm and rural matters. Hence the Premier had the—

Interjections.

The Speaker: When the House comes to order, I'll address the questions.

On the other point of order raised by the member for Parry Sound, a member rises to be recognized by the Chair during question period in order to place a question. When the member rises and begins to say something, there is an automatic assumption that a question will follow. If the member did not have an interest in placing a question, he should not have taken the opportunity to be recognized by the Chair.

CONFLICT-OF-INTEREST GUIDELINES

Mr Robert Chiarelli (Ottawa West): A question to the Premier: I'm hoping that you've been improperly apprised of the facts in the situation which we raised earlier, because there can't be any other explanation for your response and your attitude towards this. As you know, interference with any matter in the justice system is a very serious matter, and you seem to be treating it very nonchalantly.

Ms Pretty, who was a tenant member of the board since last August, August 1994, wrote to the minister, wrote to the ministry, looking for information she was entitled to as a member of the board. Ms Trinh Lu, who managed the non-profit corporation for a year, who's a university graduate, now a law student, had the same concerns, raised the same issues with the minister and with the ministry. When they received no response, no information, they made inquiries with the Ministry of Consumer and Commercial Relations. Officials there referred them to the crown. The crown interviewed them, looked at the facts, and the crown, in its own wisdom, decided to lay charges against the directors of the non-profit corporation. They're also looking at additional charges in the area of fraud.

My question to you, Premier, is this: Do you think it's appropriate for a minister of the crown to meet with any complainant or witness after charges are laid, particularly in a matter touching upon a minister's own ministry?

Hon Bob Rae (Premier): I can only say to the honourable member that the minister was invited to a meeting with all the members of the board, including Ms Pretty, it is my understanding, and I would say to the honourable member that if he has a different interpretation of what has taken place and he has other allegations that he wishes to make, I've suggested already to the members opposite that this is a matter that can be readily reviewed by committee. It can be looked at in terms of that context.

Interjections.

The Speaker (Hon David Warner): Order.

Hon Mr Rae: To put it into a whole set of other series of contexts I think is quite unfair and stretches what took place to a point which simply won't bear serious analysis.

I would say to the honourable member that if he and his House leader want to discuss where this matter can be looked at, Mr Sutherland, who is the regional director of the Ministry of Housing, was at the meeting. There was simply a good-faith effort to deal with some ongoing issues at the housing corporation, and to suggest anything else with respect to the administration of justice is quite inappropriate on the part of the member.

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Mr Chiarelli: I take it your answer to my question is yes, that it is appropriate for the minister to talk to somebody under those circumstances.

This is a matter of your own conflict guidelines. You are the ultimate arbiter of this conduct by your minister. We can't force you to do anything on this side of the House. The media can't force you to do anything. You have to look in the mirror and answer to yourself.

Quite frankly, you know in your heart that this is absolutely unacceptable, that your minister made a mistake. Her motives may have been great, she may have been trying to resolve an issue, she may have been trying to bring people together, but the fact of the matter is she's a minister of the crown. There are charges that are laid affecting her ministry and she's getting involved in it. You know, you've always known, that this is a no-no.

Premier, how can you sit there, stand there, and tell the people of Ontario that this is your standard and you accept it? Please tell the people of Ontario that you accept that standard.

Hon Mr Rae: The member opposite is doing something which I suppose happens every day of the week in this place, but you get used to it: He is drawing his own conclusions based on his own interpretation of his own understanding of a situation. I would say to the honourable member that you have reached all your own conclusions and you've reached all your own bottom lines. You therefore make your allegations and you reach your conclusions as if that is the only interpretation.

Mr Tim Murphy (St George-St David): Oh, shocking.

The Speaker: The member for St George-St David is out of order.

Hon Mr Rae: I would say to the honourable member that if he has the kinds of concerns which he clearly does, I would say to him that this is a matter where different people who were at the meeting could bring forward—

Mr Chiarelli: You looked at it. It's your wrong—

The Speaker: Order.

Hon Mr Rae: If he will just try to get hold of himself.

The Speaker: The member for Ottawa West, come to order.

Hon Mr Rae: If you don't want to hear the answer, that's fine.

EMERGENCY SERVICES

Mr Jim Wilson (Simcoe West): I have a question for the Minister of Health. Last month the Lucknow Medical Centre was closed for six days.

Interjection.

The Speaker (Hon David Warner): Order. Would the member take his seat. Would the member for Mississauga North please come to order. And they think it's hot outside.

Mr Jim Wilson: During the six days that the Lucknow Medical Centre was closed, persons needing any type of medical attention were referred to the Wingham and District Hospital for care and treatment.

As you know, like 41 other Ontario hospitals, the Wingham hospital has experienced a great deal of difficulty in ensuring that there is adequate physician coverage in its emergency room. The lack of physicians in the area prompted the closing of the Lucknow Medical Centre for the six days and it has placed a great strain on the emergency room coverage at the Wingham hospital.

Minister, a year ago you promised the Ontario Medical Association that you would solve this health care crisis that plagues both northern and rural Ontario, yet today you have not resolved this matter. As a result, many other rural communities will soon face the same fate as the Wingham area, that is, the closure of a medical centre and an overburdened emergency department.

What assurances can you give the people of rural and small-town Ontario that overburdened and underserved

hospital emergency rooms will not result in a tragedy—and I say will not result in a tragedy—that you could avoid if you would just take some action on this issue?

Hon Ruth Grier (Minister of Health): This is an issue that I've addressed on many occasions, and I know all members of the House, particularly those from rural and northern areas, share the concern of the member and myself that it has not been resolved.

I certainly have committed myself to doing whatever the ministry can to work with the other people who have responsibility for resolving this issue to get it resolved. That has got to be the Ontario Medical Association, as the bargaining agent for the doctors who don't believe the compensation they receive for being in emergency rooms is adequate, as well as the Ontario Hospital Association.

As the member knows, last November we began discussions with the OHA, the OMA and the ministry as to how it should be resolved. The OMA withdrew from those discussions in February. Last month they agreed to come back and enter the discussions again. I'm pleased to be able to tell the member that discussions are taking place this very day between all three parties, and I remain optimistic that we can find a resolution.

Mr Jim Wilson: The Wingham emergency room is under severe pressure, Hanover had no emergency room coverage this past weekend, the Four Counties hospital will have its agreement with physicians expire in just 10 days, and 40 other hospitals have the same threat hanging over their heads if nothing is done soon.

It is dangerous and wasteful for patients to be referred to emergency rooms unnecessarily, especially when these emergency rooms are already underserved. Nothing has been done, Minister, to solve this problem since it was brought to your attention last year. In spite of your promise to solve this problem, you've still done nothing.

The tripartite committee has not worked in the past. People in rural Ontario are becoming understandably very worried. In places like Wingham, where they have an extremely high population of senior citizens, people in fact are becoming terrified that there won't be emergency coverage when they need it.

Minister, if the Ontario Hospital Association's July 31 deadline is missed, will you act on the suggestion I made to you two weeks ago in this Legislature and bring in an arbitrator to recommend a solution to this escalating crisis in rural Ontario?

Hon Mrs Grier: I understand the fear and the worry that people in rural areas have about the actions of their physicians, but I say to the member that the answer lies in the physicians living up to their responsibilities and fulfilling their responsibilities in exchange for the \$3.85 billion they negotiated with this government as their remuneration for the physicians of this province. The OMA could work within the schedule of benefits to provide adequate compensation for doctors in emergency rooms or they could work with us and the hospital association to try to find a solution.

The frustration that I feel, the member feels, the administrators of the hospitals feel and the public feels, of being held to ransom over a financial issue, is very,

very strong. I am not in a position to say unilaterally to a physician, "Thou shalt practise." I think that physicians have a responsibility to put the public interest ahead of their own financial interests in this matter and to serve their patients at 3 in the morning just as they do at 3 in the afternoon, but I am not in a position to order or to instruct them to do that.

The Speaker: The Solicitor General has a reply to a question asked earlier by the honourable member for Leeds-Grenville.

YOUNG OFFENDERS' ACTIVITIES

Hon David Christopherson (Solicitor General and Minister of Correctional Services): This is in response to the questions raised by the member for Leeds-Grenville in the House on June 16 regarding a program for young offenders at the Metropolitan Toronto West Detention Centre. The program the member is referring to is called Challenge by Choice. It was initiated at the Metro Toronto West Detention Centre as an extension of the education program operated at the centre by the Etobicoke secondary school board of education. A principal at a local high school arranged to try the program at the facility as an extension of their program.

This is an internationally recognized self-esteem-building program. It challenges and encourages young people to work cooperatively to solve problems with others, to learn to trust others and to experience success. The program has been operating successfully in several Etobicoke schools for a number of years and is modelled on a program used elsewhere in Canada, Australia, New Zealand and the United States.

Six young offenders who met the criteria for temporary release qualified for the program based on reports of their positive behaviour in their unit and involvement in the standard young offender educational and recreational programming. They participated in team-building and problem-solving activities in an exercise yard at the Metro West Detention Centre and were not engaged in any rock-climbing exercises. This program matches the identified needs of the young offenders contained in their plans of care, which are directed to the positive social development of young persons in the ministry's care.

The Metro West Detention Centre does offer a range of educational programming for young offenders, including computer training.

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Mr Robert W. Runciman (Leeds-Grenville): The minister read a prepared response. I'd like to know his views as the minister responsible for the corrections ministry in this respect, if he indeed believes this is an appropriate program for young offenders. He talked about experiencing success and team building, and no doubt they're appropriate goals, but I wonder where those successful experiences will occur and, indeed, what kind of teams we're talking about.

I personally do not support what the minister is suggesting here as an appropriate activity for young offenders. He said they didn't do any rock climbing, but it was my understanding as well that they were having a temporary absence pass as part of this program to go out

and actually experience rock climbing.

I simply want to ask the minister, does he indeed support this program, and would he like to see it continue?

Hon Mr Christopherson: We've talked at great length in this place about the issue of young offenders and the Young Offenders Act and rehabilitation and what should be the balance. This government has consistently supported the position that in the areas of extreme violent crime, older young offenders should be treated in a fashion different than younger offenders, and certainly those who are not involved in violent crime.

We've also said that at the other side of the scale there needs to be the ability to provide some balance and some rehabilitation for very young offenders prior to their becoming so involved in criminal activity that we're faced with them being violent offenders at the higher age.

The member asked me very directly, do I support this? I would compliment very much the principal of that high school who thought enough of his society and his community, who had a program in his school that he thought might be of benefit to young people in circumstances where they were heading down a dangerous path. Yes, I do support this, and I very much support that principal who saw a need in our community and tried to step in to help. I wish a lot more people would take that same approach to these issues.

INTERNATIONAL TRADE

Mr Monte Kwinter (Wilson Heights): I have a question to the Premier. Mr Premier, you've recently returned from a trip to the Far East. I would have expected that you would have made a statement to this House about your trip, and particularly what you were able to accomplish in Jiangsu.

Could you tell us the status of Ontario's twinning relationship with Jiangsu and what progress has been made at the Ontario-Jiangsu Science and Technology Centre?

Hon Bob Rae (Premier): I'm delighted to be able to answer the honourable member, to say that we had a very successful series of meetings in Jiangsu.

I would encourage the honourable member, because I know of his personal interest in this, to pay a visit to the centre. He will find that the centre is in very good shape. We have re-established the management committee, with the Deputy Minister of Economic Development and Trade as our representative on that management committee. We've had officials from the Ministry of Economic Development and Trade who were there before my visit, and we've identified a number of projects which we're working on.

In particular, I think it's fair to say that we now see a much greater possibility on the infrastructure side in terms of encouraging Canadian, Ontario-based investment in Jiangsu province. We're looking at the field of electrical power generation, which I know he'll be interested in. We're looking at the area of highway, road and bridge construction. We're looking at the use of environmental technologies. We're also seeing, in particular, what we can do with Nanjing.

We have a very strong twinning relationship between the Mount Sinai Hospital and Nanjing People's Hospital, which has been very productive and which we're seeking to expand. We're going to renew the educational exchanges between Jiangsu and Ontario. I think it's a very, very positive piece of news.

The Speaker (Hon David Warner): Could the Premier conclude his response, please.

Hon Mr Rae: I would encourage the honourable member to return there and perhaps take some of his colleagues with him, and spend a very good time there looking at how those interests can expand. I would be glad to expand on any answer in answer to a supplementary.

Mr Kwinter: I appreciate the Premier's inviting me to go. He didn't invite me to go with him, but he says, "Go on your own, and be my guest." I should tell you that the reason for my question is because I was there about a month ago, and that has raised some of the concerns.

Mr Premier, do you find it strange that the governor of Jiangsu, Chen Huanyou, recently came to New York and did not visit Toronto, which is only one hour away? Do you not also find it interesting that while in New York, the governor signed an agreement with Governor Mario Cuomo aimed at fostering high-technology trade between New York and Jiangsu?

The deal calls for the two governments to develop business alliances and share high-tech information, primarily in information technology, optics and imaging, biotechnology and medical products and energy-saving technology. The pact also calls for New York to open a trade office in Jiangsu in 1995, and for Jiangsu to set up a similar office in New York. Jiangsu representatives were also invited to New York for several high-tech conferences this year and next year.

Mr Premier, Ontario has a twinning agreement with Jiangsu and has invested several millions of dollars in the Ontario-Jiangsu Science and Technology Centre, yet there seems to be little tangible activity between Jiangsu and Ontario, while there seems to be a great deal of activity with our bordering neighbour to the south. Could you explain this and maybe enlighten this House as to what has happened?

Hon Mr Rae: I'm not sure I have the time to explain it to the honourable member. The Speaker will be on his feet. We've got seven minutes, and I'd be glad to take that full time, Mr Speaker.

First of all, in terms of the visit by the governor to New York, not only is Jiangsu twinned with New York, Jiangsu's also twinned with Georgia and Jiangsu's also twinned with Baden Württemberg. We are twinned, as you know, with a number of the states in Europe. As well, we have a much longer standing relationship in terms of a memorandum of understanding, and now, with the kind of relationship that's there, we have an opportunity to gain significant advantage in terms of our trade with Jiangsu, with Shanghai and with other parts of China.

I would say to the honourable member that there's a

lot of work to be done. He himself will know, because he was a member of the government when it took place, that there were certain decisions made in the aftermath of Tiananmen Square by the government of which he was a member which had an impact on the relationship. Now, after the visit by myself, the visit by the minister responsible for international trade just a few months ago, we feel we have a very successful basis for a relationship.

The Speaker: Could the Premier conclude his response, please.

Hon Mr Rae: We had a huge delegation from Jiangsu province here just a few short months ago.

Mr Steven W. Mahoney (Mississauga West): New York got the deal.

The Speaker: Order.

Hon Mr Rae: In suggestion to the raucous bellowing that's coming forward from the member for Mississauga West, I would say to him that he may want to continue to run the province down. That's not my interpretation of it.

Mr Mahoney: New York got the deal.

The Speaker: Order.

Hon Mr Rae: New York has come lately into a relationship which Ontario has had for some time.

The Speaker: Would the Premier please conclude his response.

Hon Mr Rae: I'm trying to complete it, Mr Speaker. We are very proud of the relationship. I think given the fact that we also have a twinning relationship with New York, that we have an ongoing memorandum of understanding with them, there may in fact be an effective triangle that we can create and maybe even include the state of Baden Württemberg in Germany as we attempt to create the kinds of relationships that will take the province into the 21st century.

INTERPROVINCIAL TRADE

Mr Noble Villeneuve (S-D-G & East Grenville): To the Minister of Agriculture, Food and Rural Affairs: Ontario grain growers are seeing their prices undercut by western grain, which is subsidized heavily by Ottawa through the Western Grain Transportation Act. Shipments of western wheat into Ontario at the current time exceed last year's total sent to Ontario. Further, these shipments are tying up rail cars which Ontario growers need to ship corn to the US and elsewhere.

Can the minister tell us what he and the Premier are doing to bring about the immediate halt of federally subsidized grain shipments from western Canada into Ontario?

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): In terms of the western grain transportation subsidy, in fact it's a historic subsidy that's been in place which provides subsidies for western grain moving primarily to export. It has caused some concerns in tying up rail cars and not making them available to Ontario producers.

However, having said that, I don't think it's necessary that we take a lot of concrete action here in Ontario, because we have the federal government in Ottawa which

says it's going to eliminate the transportation subsidies, in fact to some \$600 million. Mr Young, the Minister of Transport, says he's going to eliminate those subsidies, so I think it appears as if the federal government in Ottawa is certainly going to take care of any subsidies that are available to western grain producers.

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Mr Villeneuve: Until the federal government in Ottawa fixes that problem, it's costing Ontario grain growers very much on a per-tonne basis. Despite confusion in Ottawa over the future of the subsidy, there are now reports that the Liberals are ready to remove the transportation subsidy on grain, as you mentioned. Surely this is unacceptable, if they don't give us a time and date. We need to know now.

What are you and your government doing to make sure that subsidy is removed and that indeed Ontario producers can get the price that the market would dictate for their grain?

Hon Mr Buchanan: There are a couple of things. One thing: I don't know if the member is aware or not, but over the last couple of years, in fact the last government, when the interprovincial agricultural ministers met, I chaired a couple of the sessions dealing with the western grain transportation issues in an attempt for us to encourage all the parties to negotiate, discuss the issue and resolve the matter. We were quite concerned, and have been, with some of the movement of grains being subsidized into Ontario.

We have worked with the various producer groups in Ontario and continue to work with our colleagues in other provinces to make sure that we have fair trade issues, that we don't have subsidized product, whether it's grain or any other, for that matter, moving from one province into another unfairly. The Minister of Economic Development and Trade is trying to resolve interprovincial trade barriers.

The other side of that coin, quite frankly, is subsidies that one province provides to one type of producer in order to move materials to another province. We continue to work with other provinces and with our producer groups to make sure that no one is disadvantaged by subsidies in another province.

CAPITAL FUNDING FOR SCHOOLS

Mr Stephen Owens (Scarborough Centre): My question is to the Minister of Education and Training. As you are aware, for the last three years I myself, along with the parents and children at St Boniface separate school and the local trustee, Harold Adams, have been lobbying and advocating for redevelopment money. Just to refresh your memory, overcrowding at St Boniface has reached critical proportions and there are currently 15 portables onsite. The St Boniface capacity is 439 people. However, they currently have an enrolment of 625 students.

Minister, my question to you is quite simple. We keep hearing about the list of priorities and the Metropolitan Separate School Board placing St Boniface sixth on its list of priorities. How can I, as the member for the area representing the children and the teachers, hope to get

this school higher on the list of priorities and how can we, as supporters of a separate system, ensure that St Boniface receives the redevelopment money that's urgently required?

Hon David S. Cooke (Minister of Education and Training): I appreciate the question from the member who has spoken to me about this issue on several occasions on behalf of the community he represents.

I should indicate that the process for approving capital is such that requests went out to school boards last fall. School boards have to make tough decisions and rank their capital requests to the ministry. Then they are evaluated at the regional level and recommendations come in to the minister. We do accept the recommendations that come in from the regional offices because they reflect the prioritization that local school boards have set.

In this particular case, the Metropolitan Separate School Board ranked this capital project as its sixth priority. There is only one school board in this entire province which got its sixth priority funded, because of the very high growth in that particular area.

I think it would be appropriate that if this should be a higher priority, the parents and the taxpayers in that community should be talking to their trustees in that area and the Metropolitan Separate School Board.

PETITIONS

HOTEL DIEU HOSPITAL

Mr James J. Bradley (St Catharines): I have a petition that reads as follows:

"We, the undersigned, refuse to accept the closing of the Hotel Dieu Hospital emergency department and the reduction of available hospital beds. We strongly urge the hospital boards and the Niagara District Health Council to crush the consultant's report. The Hotel Dieu Hospital board has already taken this position. Implementation of the report would have disastrous consequences for the people of our community. We are committed to keeping two emergency departments in St Catharines and beds open.

"We, the undersigned, find the plan to close the Hotel Dieu emergency room to consolidate care at the St Catharines General Hospital emergency room unacceptable and hazardous to the health of the members of our community. We deplore the lack of consideration for our health care needs, considering the fact that it is paid for by dollars that we contribute through our taxes."

COLLINGWOOD GENERAL AND MARINE HOSPITAL

Mr Jim Wilson (Simcoe West): I have a petition addressed to the Legislative Assembly of Ontario:

"Whereas continued government funding cutbacks will force the Collingwood General and Marine Hospital to close eight more hospital beds and these cutbacks are having a continued negative impact on employment in the Collingwood area;

"Whereas the government is failing to adhere to their own 'principles of restructuring,' which state that restructuring of the hospital sector must be linked to equitable funding, appropriate and accessible community-based health services, and that restructuring initiatives must address the impact of these changes on hospital staff, the

local economy and the health care needs of the community;

"Whereas the government refuses to give the green light to redevelop the General and Marine Hospital even though the provincial government announced funding for the project in 1987, and even though the General and Marine cannot achieve additional operating efficiencies unless the hospital is redeveloped;

"Therefore, we demand that the provincial government immediately approve the redevelopment of the General and Marine Hospital and that the hospital be given some financial breathing space to assess the impact of these bed closures on the labour and health care needs of the Collingwood community."

Mr Speaker, I've signed that petition, and add a few more names to the already 6,000 people from the area who have also signed this petition.

TOBACCO PACKAGING

Mr Len Wood (Cochrane North): I have a petition that I'm presenting on behalf of the member for Rainy River. The petition is to the Legislative Assembly of Ontario, in support of plain packaging of tobacco products.

"Whereas more than 13,000 Ontarians die each year from tobacco use; and

"Whereas Bill 119, Ontario's tobacco strategy legislation, is currently being considered by the Legislative Assembly of Ontario; and

"Whereas Bill 119 contains the provision that the government of Ontario reserves the right to regulate the labelling, colouring, lettering, script, size of writing or markings and other decorative elements of cigarette packaging....

"Therefore we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

These petitions have been signed by people from Fort Frances, Kenora and all throughout the Kenora-Rainy River area.

KETTLE ISLAND BRIDGE

Mr Gilles E. Morin (Carleton East): I have a petition that has been signed by Ottawa residents of Gloucester-Orléans, and it's addressed to the Parliament of Ontario:

"Whereas the government of Ontario has representation on JACPAT (Joint Administrative Committee on Planning and Transportation for the National Capital Region); and

"Whereas JACPAT has received a consultants' report recommending a new bridge across the Ottawa River at Kettle Island, which would link up to Highway 417, a provincial highway; and

"Whereas the city and regional councils of Ottawa, representing the wishes of citizens in the Ottawa region, have passed motions rejecting any bridge within the city of Ottawa because such a bridge and its access roads would provide no benefits to Ottawa but would instead

destroy existing neighbourhoods;

"We, the undersigned, petition the Parliament of Ontario as follows:

"To reject the designation of a new bridge corridor at Kettle Island or at any other location within the city of Ottawa core."

I have affixed my signature.

SEXUAL ORIENTATION

Mrs Elizabeth Witmer (Waterloo North): A petition to the honourable House of Commons of Canada and Parliament assembled:

"We, the undersigned citizens of Canada, draw the attention of the House to the following:

"Whereas the majority of Canadians believe that the privileges which society accords to heterosexual couples should not be extended to same-sex relationships; and

"Whereas societal approval, including the extension of societal privileges, would be given to same-sex relationships if any amendments to the Canadian Human Rights Act were to include the undefined phrase 'sexual orientation' as grounds of discrimination;

"Therefore, your petitioners pray and request that Parliament not amend the Human Rights Code, the Canadian Human Rights Act or the Charter of Rights and Freedoms in any way which would tend to indicate societal approval of same-sex relationships or of homosexuality, including amending the Ontario Human Rights Code to include in the prohibited grounds of discrimination the undefined phrase 'sexual orientation.'"

This has been signed by about 100 people. It comes from one Calvary United Church in St Jacobs, Reverend Brian Robinson, and from a Mr A. Birch in St Catharines.

ONTARIO WASTE MANAGEMENT CORP

Ms Christel Haec (St Catharines-Brock): I would like to submit a petition on behalf of 74 residents of the Niagara Peninsula, living in various communities. They all wish to express their opinion relating to the Ontario Waste Management Corp, and the final "Be it resolved" is:

"We, the undersigned, petition the Legislature of Ontario to change the mandate and directions being promoted by this crown corporation, the OWMC."

I do agree with this petition.

1520

LONG-TERM CARE

Mrs Dianne Cunningham (London North): I have a petition regarding long-term care.

"To the Legislative Assembly of Ontario, Legislative Building, Queen's Park, Toronto, Ontario.

"Whereas the government of Ontario has stated that multiservice agencies, the new single local point of access for long-term care and support services, must purchase 90% of their homemaking and professional services from not-for-profit providers, therefore virtually eliminating use of commercial providers;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We protest the action to drastically reduce the service provision by commercial providers and respectfully request that the impact of this policy decision, including a cost study, be performed before any further implementation."

I heartily support this petition and sign my name and turn it over to the House for documentation.

LAND-LEASE COMMUNITIES

Mr Larry O'Connor (Durham-York): I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas Bill 21 has received second reading in the Legislative Assembly of Ontario; and

"Whereas Bill 21 will provide the needed protection to the owners of mobile homes in mobile home trailer parks, and to the owners of modular homes in land-lease communities; and

"Whereas many owners of mobile homes are threatened with eviction and the loss of their investment in mobile homes by the action of their landlord;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To proceed as expeditiously as possible with third reading of Bill 21."

That is still possible in spite of the argument we heard from the leader of the third party saying it's been killed.

HEALTH INSURANCE

Mr Chris Hodgson (Victoria-Haliburton): I have a petition to the Legislative Assembly of Ontario.

"Whereas the provincial government has recently slashed health coverage by 75% for Ontario citizens who are hospitalized out-of-country; and

"Whereas this reduction in coverage will affect all Ontarians but will have the greatest impact upon seniors, many of whom travel south of the border for important health care reasons and who will be forced to absorb a tremendous hike in their health insurance premiums; and

"Whereas the government has justified its decision on the basis of not wanting to pay exorbitant hospital costs, even though currently out-of-country hospital coverage is based solely on the rates charged by Ontario hospitals; and

"Whereas the reduction in out-of-country hospitalization coverage below the rates charged by Ontario hospitals represents an indisputable violation of sections 7 and 11 of the Canada Health Act; and

"Whereas the Ontario Progressive Conservative Party makes the preservation of medicare a priority in its Common Sense Revolution party document;

"Therefore, we petition the government of Ontario to act in a fair and just manner by preserving the sacred principles of medicare and to immediately restore out-of-country hospitalization coverage to the rates charged by hospitals in Ontario."

MOTORCYCLE AND SNOWMOBILE INSURANCE

Mr Ron Hansen (Lincoln): I have a petition to the Legislative Assembly of Ontario.

"Whereas we, the undersigned, are of the opinion that private insurance companies are exploiting Ontario

motorcyclists and snowmobile operators by charging excessive rates for coverage or by outright refusing to provide coverage; and

"Whereas we, the undersigned, understand that those insurance companies that do specialize in motorcycle insurance will only insure riders with four or more years of riding experience and are outright refusing to insure riders who drive certain models of 'supersport' bikes; and

"Whereas we, the undersigned, believe that this situation will cost hundreds of jobs at dealerships and in the motorcycle industry and is contrary to the rights of motorcyclists and snowmobile operators;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario should study the feasibility of launching public motorcycle and snowmobile insurance."

It's signed by 96 residents of Ontario from the Ottawa and Peterborough area. I affix my signature as well.

SEXUAL ORIENTATION

Mrs Joan M. Fawcett (Northumberland): I have a petition to the Legislative Assembly of Ontario from residents in the Frankford, Wooler and Trenton area.

"Whereas in our opinion a majority of Ontarians believe that the privileges which society accords to married heterosexual couples should not be extended to same-sex relationships; and

"Whereas for our government to use our tax money to furnish contributions for the propagation of practices which we sincerely believe to be morally wrong would be a serious violation of our freedom of conscience; and

"Whereas redefining 'marital status' and/or 'spouse' by extending it to include gay and lesbian couples would give homosexual couples the same status as married couples, including the legal right to adopt children; and

"Whereas the term 'sexual orientation' is vague and undefined, leaving the door open to demands for equal treatment by persons with deviant sexual orientations other than the practice of homosexuality;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request that the Legislature not pass into law any act to amend the Human Rights Code with respect to sexual orientation or any similar legislation that would change the present marital status for couples in Ontario."

I have signed it.

TOBACCO PACKAGING

Mr Robert W. Runciman (Leeds-Grenville): I have a petition signed by over 3,000 residents of Ontario addressed to the Legislative Assembly:

"Whereas the province of Ontario is experiencing a severe economic recession;

"We, the undersigned, do petition the Legislative Assembly of Ontario to disagree with Bill 119 aspects of generic cigarette packaging which has not been proven to reduce smoking. This will force Shorewood Packaging, Chroma Corp and other suppliers to close, resulting in thousands of lost jobs in Ontario."

I'm affixing my signature in support of the petitioners.
LAND-LEASE COMMUNITIES

Mr Jim Wiseman (Durham West): I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas Bill 21 has received second reading in the Legislative Assembly of Ontario; and

"Whereas Bill 21 will provide needed protection to owners of mobile homes in mobile home trailer parks and owners of modular homes in land-lease communities; and

"Whereas many owners of mobile homes are threatened with eviction and loss of their investment in their mobile home by the action of their landlords;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To proceed as expeditiously as possible with third reading of Bill 21."

I affix my signature to this petition in the hope that it will lead to speedy passage of this legislation.

FIREARMS SAFETY

Mrs Joan M. Fawcett (Northumberland): I have a petition to the Legislative Assembly of Ontario.

"Whereas we want you to know that we are strenuously objecting to your decision on the firearms acquisition certificate course and examination; and

"Whereas you should have followed the OFAH advice and grandfathered those of us who have already taken safety courses and/or hunted for years—we are not unsafe and we are not criminals; and

"Whereas we should not have to take the time or pay the cost of another course or examination and we should not have to learn about classes of firearms that we have no desire to own;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Change your plans, grandfather responsible firearms owners and hunters and only require future first-time gun purchasers to take the new federal firearms safety course or examination."

I've signed the petition.

SEXUAL ORIENTATION

Mr David Tilson (Dufferin-Peel): I have a petition of 1,031 signatures from the town of Caledon and the town of Orangeville.

"Whereas the Equality Rights Statute Law Amendment Act, 1994, commonly known as same-sex benefits Bill 167, will change the definition of 'marriage' and allow homosexual couples to adopt children; and

"Whereas it does not reflect the mainstream priorities of the people of Ontario or the priorities that the Ontario government should be dealing with; and

"Whereas this bill would recognize homosexual couples and extend to them all the same rights as heterosexual couples; and

"Whereas this bill caters solely to the demands of a vocal special-interest group; and

"Whereas redefining 'marriage' and forcing the private sector to pay same-sex spousal benefits will have serious

negative economic and social ramifications;

"We, the undersigned, petition the Ontario Legislature to withdraw the same-sex bill and encourage all MPPs to vote against the bill on second and third readings."

I've signed this petition.

TOBACCO PACKAGING

Mr Ron Hansen (Lincoln): I have a petition signed mainly by people from my riding. It's a petition to the Legislative Assembly of Ontario in support of plain packaging of tobacco products.

"Therefore we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

1530

REPORTS BY COMMITTEES

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Ms Poole from the standing committee on public accounts presented the committee's report on issues concerning Houselink Community Homes Inc and the Supportive Housing Coalition and moved the adoption of its recommendations.

The Acting Speaker (Mr Noble Villeneuve): Does the honourable member for Eglinton have some remarks?

Ms Dianne Poole (Eglinton): Yes. As Vice-Chair of the committee, I would like to comment on the report. This report of the standing committee on public accounts focuses on internal audit reports of two supportive housing projects, Houselink Community Homes and the Supportive Housing Coalition of Metropolitan Toronto.

Our all-party committee reviewed actions by the ministries of Health and Housing and reached consensus on 11 recommendations dealing with, among other things, unauthorized expenditure approvals, the strengthening of procedures for prompt remedial action, sanctions for non-compliance by funded organizations and improved controls.

May I say, on behalf of the committee, that we would like to express our appreciation to both the Provincial Auditor, Mr Erik Peters, for his cooperation and assistance, as well as the exceptional report produced by our researcher, Anne Anderson.

I move adjournment of the debate.

The Acting Speaker: Is it the pleasure of the House that the motion carry? Carried.

INTRODUCTION OF BILLS

UNCLAIMED INTANGIBLE PROPERTY AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT LA LOI SUR LES BIENS IMMATÉRIELS NON RÉCLAMÉS

On motion by Mrs Boyd, the following bill was given first reading:

Bill 178, An Act to amend the Unclaimed Intangible Property Act / Projet de loi 178, Loi modifiant la Loi sur les biens immatériels non réclamés.

The Acting Speaker (Mr Noble Villeneuve): Does

the Attorney General wish to make a short opening statement?

Hon Marion Boyd (Attorney General): Yes, Mr Speaker. I'm pleased to introduce amendments to the Unclaimed Intangible Property Act, which was previously passed in 1989 but has not, to date, been proclaimed.

These amendments reflect extensive consultations with the financial community which took place in early 1990 and again in the spring of this year. The essential purpose of this legislation is to return lost and forgotten money to the people of Ontario. Thousands of people across Ontario are entitled to money they do not even know about. This law will help them find out about this money and recover it.

It is anticipated that \$10 million to \$15 million worth of unclaimed property will be returned to rightful owners annually. The province will hold the funds in perpetuity and to the benefit of all provincial taxpayers until the money is claimed by the rightful owners.

Following today's tabling of the bill, we will resume a full series of consultations with the financial community and will establish a holder advisory committee. This committee will be meeting over the summer to identify and make recommendations to address any outstanding concerns.

With this act, the government will ensure that rightful owners will be reunited with their unclaimed, lost, forgotten or abandoned funds through a valuable new public recovery notification and distribution service to the residents of Ontario.

J.G. TAYLOR COMMUNITY CENTRE INC ACT, 1994

On motion by Mr Hope, the following bill was given first reading:

Bill Pr117, An Act respecting the J.G. Taylor Community Centre Inc.

ORDERS OF THE DAY

COURTS OF JUSTICE STATUTE LAW
AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES TRIBUNAUX JUDICIAIRES

Mrs Boyd moved third reading of Bill 136, An Act to amend the Courts of Justice Act and to make related amendments to the Freedom of Information and Protection of Privacy Act and the Justices of the Peace Act / Projet de loi 136, Loi modifiant la Loi sur les tribunaux judiciaires et apportant des modifications corrélatives à la Loi sur l'accès à l'information et la protection de la vie privée et à la Loi sur les juges de paix.

The Acting Speaker (Mr Noble Villeneuve): Does the Attorney General have some opening remarks?

Hon Marion Boyd (Attorney General): Just very briefly, this bill has had a thorough discussion among the opposition critics and also with the justice committee. There were a few amendments that were agreed upon during that process which answered some of the concerns that have been raised by the opposition critics during the second reading.

This is a very important act in terms of the administra-

tion of justice because it does a number of things. I would just remind members that it will, first of all, permit the expansion of the Unified Family Court. It will change the way in which the Judicial Council conducts disciplinary hearings into the conduct of judges. It will cement the establishment of the judicial advisory committee which advises the Attorney General on appointments to the provincial bench. It will do a number of other corollary measures which will work with the administration of justice in the Small Claims Courts, will review some of our processes around the justices of the peace.

So I would say that this is a good day for Ontario. We have shown that by consulting with the judiciary, by consulting with the bar and by working together with all those concerned in the community about the administration of justice, we can devise an act that moves us forward in a way which has met with the approval and the enthusiasm of most of the community. So I would urge my colleagues in this House to pass this law in this Legislature at this particular point in time.

The Acting Speaker: I thank the honourable Attorney General. Questions or comments? Further debate?

Mr Robert V. Callahan (Brampton South): I'm pleased to join in the debate on this particular bill. I think Mr Chiarelli, as the critic for the Attorney General, has indicated that we'll be supporting it. But it seems to me, having said that and having reviewed the bill, that justice in itself is in a shambles in this province.

I've been doing some research around this province in terms of the speediness with which you can get a civil trial on. I was in London yesterday. I understand it's 18 months there. In Brampton, it's probably beyond that; other areas, equally long lists. The difficulty of course, as the Attorney General will appreciate, and I think any practitioner will appreciate, and soon the public will appreciate, is that the old adage of justice delayed is justice denied is a truism.

We're seeing difficulties that are existing not just in terms of the facilities that are available to deal with these issues. The Attorney General quite kindly came out to my riding to reannounce for the third time the building of a new courthouse. Well, I haven't heard anything further about it. I have grave concerns, as I think do the justice officials out there. Obviously that building will be an essential part of any fixing of the system or attempting to fix the system.

I'm pleased to see that there are some considerations of alternative dispute mechanism resolution. That's probably going to be the salvation of the justice system. We've reached the stage where it's like the sausage machine. We've put so much sausage in there that there's no room for any more sausage.

Civily, it's a problem, but more importantly it's even a greater problem in terms of the criminal justice system. The criminal justice system seems to be receiving tinkering but not a real look at what is the result of us not dealing effectively and in a futuristic fashion with how we are going to deal with these matters. The net result is that those people who are innocently charged—and there are some, believe it or not—in fact have to suffer the slings and arrows of outrageous fortune for a

much longer period of time before they finally receive their day in court and have the opportunity to receive their acquittal.

When that happens, if the charges have been perhaps charges where the evidence was rather thin, it results in that person's reputation being damaged; it results in them having to pay a significant amount of money for legal representation to defend themselves, and at the end of the day they really have no recourse.

1540

Look at the victims and the witnesses who are involved in the justice system. They are not being given the consideration they should be given. The net result of that is that our system will become weakened because witnesses and victims will decide that it's not worth the aggravation to have to rearrange their plans and be present in court and find that the case is being adjourned to another date or whatever.

Look at the question of jurors. It's absolutely outrageous that juries, I believe, for the first two weeks of a trial are paid nothing. In fact, in my jurisdiction two jurors, I believe, had their cars towed away while they were sitting on a jury. That says eons about some of the more significant things. One might say, "Well, what's so bad about having your car towed away?" Well, if a juror is in the middle of deliberating on a trial, you can imagine that they're either going to take out their objection on the person appearing before the bar or they're going to take it out on the crown, and the net result is that justice is not achieved. It's tough enough that they don't get paid anything for that initial period of time.

I've heard stories that jurors are showing up in court with tank tops and shorts on, knowing that judges will probably refuse to allow them to be called as jurors. That to me says a lot about our system.

I have to say the whole question under this legislation of the appointment of judges was originally started under the Liberal administration by the former Attorney General, Mr Scott. It was not continued, as far as I know, in the initial intent. We now see it being brought forward before us. I think it's a good effort, a good attempt to try to ensure that appointments to the bench are quality as opposed to what party you belong to or who you know.

Perhaps the Attorney General can correct me, but I notice in the bill that there is no provision for that in connection with the appointment of justices of the peace, and there are a lot more of them who are appointed. I don't really understand what the process there is. I would have thought they would have been part of the courts of justice amendments to ensure that their appointment would also be devoid of any possible political connotations and that they would be appointed on the basis of ability. I don't say that in any disparaging way, because in my experience in the courts there have been very many men and women who have been appointed as justices of the peace who have been very good. Then, on the other side of the coin, as in, I suppose, the instance of anything, there have been those who have been not so good. I guess that's the issue of human experience.

But if the Attorney General, through this bill, is

attempting to achieve what I think she's trying to achieve, and I think it's admirable that the political issues be taken out of it so that people can believe the appointments are being made on the basis of merit, then this bill, as I read it—I must say that I've taken a quick look through it in terms of that issue, but I don't see the justices of the peace being subject to the same type of consideration.

The question of how a judge is dealt with is one that gives me serious concern. I know the bill goes a long way in trying to ensure the public will have the opportunity to ensure that a judge does not use his or her power in such a way that it will impact on the individuals who are before that man or woman. However, there is a section here, subsection 51.3(1), which says, "Any person may make a complaint to the Judicial Council alleging misconduct by a provincial judge." That gives me a little cause for concern too, because obviously the judges in the justice system of this province and this country are hearing what are contests. They're hearing contests between two people, be it in a civil matter or in a criminal matter between the crown representing the state and the accused. I would imagine that people who are involved in those contests will either find that the judge is one they like or one they dislike. If they're on the winning side, I guess they'll love the judge; if they're on the losing side, they may not be that happy with the judge. Therefore, judges are placed in a very sensitive position, having by oath to fairly listen to the evidence and make a determination of the facts and then apply the relevant law to the facts.

That becomes increasingly more difficult for judges today, because we see the press, particularly in the criminal bar, dealing with sentencing and criticizing the sentencing. We see letters to the editor from people criticizing the sentencing, yet they're not in the position to have seen what the judge saw or to hear what the judge heard, and therefore these armchair decisions made afterwards, without that information, are unfair.

I'm not for one minute suggesting that the press should not report fully on what takes place in our justice system, be it civil or criminal, but what I am suggesting is that ever more increasingly, with the advent of greater media coverage, the judges are being placed in a very much more difficult position, to make certain that every word they use is one that's not going to receive criticism from some faction in society. They have to be ever more vigilant that in sentencing a person or in dealing on a trial, be it civil or criminal, they in fact are going to not incur the wrath of the public or the press.

That becomes very dangerous, because the judicial system in a democratic society, if it stands for anything, stands for the fact that people are entitled to expect—and in the main in this country and in this province we have not, to my knowledge, had any instances where this was not the case. But I do have concerns about too much of the microscope being placed on these men and women who serve our province and our country, oft-times in very difficult situations.

I'm surprised that judges are able to carry on the way they do without being burned out very significantly.

We've all read criticisms in the press about the fact that judges only sit five hours a day. I suggest that perhaps the individual who makes that judgement should take on a five-hour job that puts you in a pressure-cooker, where you're dealing with evidence, witnesses, you have to assess the credibility of witnesses, you have to listen carefully and make notes as to their testimony and then you have to hear submissions from counsel as to the relevant law. Very often, the law is conflicting. There's an old adage that in law school the facts were always clear and the law was unclear. When you get out into practice in the real world, the law is normally clear but the facts are unclear.

So I have some reservations about that and I will certainly be monitoring, as will I'm sure all people who are interested in seeing that justice is done appropriately, just how successful these amendments are in that regard. If they place too much emphasis or place too much difficulty or pressure on judges, I think they will have to be reviewed.

We certainly don't want to place our judges in a position where they're going to be ducking or looking behind them, or being required to do that because of the criticism or because of complaints that are made that perhaps prove to be unfounded but can certainly cause an individual, particularly in that capacity—because they really are in a goldfish bowl, like I guess we are. It can make it very difficult for them to carry on in an appropriate fashion their judicial job while trying to figure out what's going to happen to this one that's now before some committee.

1550

In terms of the recommendations in this bill for an expansion of the Unified Family Court, I think that is an essential item. It's probably at the very heart of some very significant issues today. We all watched over the weekend—I didn't; I went to bed, but my wife and my son came up at 2 o'clock in the morning and told me about the whole instance of O.J. Simpson. The press took an unbelievable view of that. Here's the man, if he did it. He's been charged with a very serious count of assault against his wife. We're hearing domestic spousal assault is—it was on the radio today. I was listening to it as I was coming in from Brampton.

We have to understand, and I think we do, that in matrimonial matters, although we have the former government, the Liberal government, and I believe the Conservatives before that—the New Democratic Party government has made amendments to the bill, the family law reform act. It was a marvellous bill. What it did, in essence, was to take the fight out of the division of property when two people decided they were no longer in love and no longer wanted to continue their marriage. We set the stage. Basically, it's a mathematical formula almost in the family law reform act. The unfortunate thing is that we have not contrived or put together a formula to deal with the very essence of any matrimonial claim, which is the children, the issue of custody. There's nothing as simple as dealing with a matrimonial matter if there are no children. If it's just a split-up of the family assets, the bill itself provides for it.

This is why it's so important to have the Unified Family Court, because very often you had people who were being bounced between various courts. The provincial division of the family court could not deal with certain issues under the family law reform act. You might find yourself having to take proceedings there and then having to go on to the General Division or what was formerly the Supreme Court of Ontario, or county court, to have the other issues resolved. What happens there is you have a further backlog, a further delay.

There are two places where delay plays a very important factor. One of them is in a criminal prosecution where an accused is constantly on the front page of the paper, then is acquitted and they put his acquittal on page 65 of the paper. In the meantime his family and his reputation, or her reputation, have been destroyed.

Equal with that is the question that delay in dealing with matrimonial matters really has a significant impact, because it's a highly emotionally charged situation. I'm surprised that there are not more serious confrontations in the courts. We've seen them in the past. A lawyer and a judge were shot, or certainly a lawyer was shot to death tragically while involved in a matrimonial matter.

I've experienced it myself actually, being in a courtroom where police officers had to back you up in terms of protecting your back because you were dealing with an individual who was not rational. I think the rationality of people in matrimonial matters can range from the sublime to the ridiculous, and as the delay takes place, it becomes even more so.

If you have to wait 18 months or two years for a matrimonial matter to be dealt with while it goes through the normal system—this is part of some of the comments I was making at the outset, that we have to get our system in order, we have to be able to speed up the system of justice—you place at great risk, I suggest, the parties in that confrontation, particularly the women of this province, because more often than not when there are children involved, the woman gets exclusive possession of the house and probably custody of the children.

She's sitting there in the house and the husband is outside and he's really upset. As time goes on and as the delays take place in getting the matter resolved, he's out there, and the wife more often than not has changed the locks because she's afraid of what's going to happen. If you don't speed up the process and finally get it resolved, this woman is at serious risk or could be at serious risk. The children could be at serious risk.

The whole process of custody is antiquated. You have battles that go on between parents in fighting for custody, and the only losers are the kids. They sit in a situation where perhaps both parents are in the house and you're trying to get an order from the court to have the separation of the two warring factions, the mother and father, and you can't get them out because the process is delayed. The net result is that you have children who are deteriorating and becoming affected and wounded to the point that this will impact on their lives in the future. We worry about all the other victims of violence and so on, but we don't worry about the children of this province and this world who are caught up in that very battle.

I suggest that we should be looking at this in a more global way. The bill here is good and we'll support it, but in essence there should be a lot more to it. There should be a real effort to ensure that justice is a high priority in this province.

I can recall that at one time justice received about 1% of the provincial budget. That was elevated, and I was pleased, by the former Attorney General of our government, Mr Scott. He managed to get it to 2%. This is not a criticism of the present Attorney General, but I'm not sure what level you've gotten it to. I think one has to recognize that the thing around here that gets the juice is what's sexy. Justice doesn't seem to be a sexy issue, or wasn't in the past, and it became one that sort of got the back burner.

I think we're losing time on this. The public, in reading their newspaper every morning and seeing the things that are happening in this province, the dramatic changes that are taking place because justice is being delayed or because we're not dealing with the criminals who are caught in a way that returns them to the street to ensure that they don't offend again—we are going to elevate the justice system to the sexiest political issue there is. When that happens, it will get a much greater portion of the money in terms of deciding how to deal with it. But I think we're running out of time. I think everybody in this House who has a passion for justice and believes in justice would say that's true: We're running out of time. We cannot afford to just pay lip-service to justice. We have to do more.

This bill addresses several issues. It addresses the issues of conduct of judges. It addresses the issue of complaints against judges, which is part of the conduct. It addresses the question of how judges are appointed. It addresses a few minor items in terms of the Courts of Justice Act. That's important, and also the question of Unified Family Court judges. But then of course you have to obtain, I believe, anyway, the funding, or you have to have their appointments as federal judges of the Ontario Court, and that will require Ottawa to act.

I understand that Ottawa is most anxious to expand the system of the Unified Family Court. They have told the attorneys general of the day, Mr Hampton—my congratulations to you, Mr Hampton. I couldn't make your party, but all the best to you and your future wife. In any event, I believe it was to Mr Hampton and now the present Attorney General that Ottawa was saying: "All right, we'll give them to you. We'll provide the money. We'll cooperate with you, but we want the infrastructure to be in place." We haven't seen the infrastructure in place, Madam Minister, so it's important that we have that in place. That essentially is why this has been stalled, and it's a very important issue that it be determined and dealt with.

We are going to support this bill. We hope it's the start of—not the start. We hope it's just a minuscule indication of things to come. We're looking forward to dealing with all the issues I've raised. I haven't raised them all; time doesn't permit. There are other issues to be discussed, obviously. But we'd better get busy with the question of justice. I hope the public will realize that justice is a

politically sexy issue, that it is an important issue, because if we stay asleep at the switch and we allow the public to think it's not an important issue, we're going to do nothing more than have our society deteriorate right before our eyes. When that happens, it will be a little too late. We'll be going down for the third trip down, the drowning, and it'll be all over.

I urge you, Attorney General, and I urge your colleagues in cabinet to have a great deal more impact in terms of deciding what kinds of funds will be allocated to the administration of justice.

1600

Mr Charles Harnick (Willowdale): I will be very brief, in that I've put my remarks on the record during second reading.

This bill deals with the Ontario Judicial Council and some now-legislated rules to deal with the conduct of judges, and in addition is very important in that it indicates to judges that there are certain sensitivities judges have to appreciate.

To have legislated the rules of judicial conduct is probably a good thing for judges. It's probably a helpful thing to the judiciary in that we will not end up with the difficulties we've had in a recent inquiry, dealing with the conduct of a judge, where we really didn't know what the procedure should be. It is now in the courts because of questions about the procedural aspects of the actual trial that took place, or the inquiry that took place. This bill will very much, I think, alleviate that type of situation.

The second aspect of the bill is the Judicial Appointments Advisory Committee, and again that's an aspect of the bill that is really nothing particularly remarkable, because it's been in operation in the province of Ontario for many years, or for at least the last several years, dealing with the appointment of provincial court judges. Now we have legislated that procedure. We've recognized a formality to it that is, as well, a good thing. It's a good thing because both the Ontario Judicial Council and the Judicial Appointments Advisory Committee involve significant input from the public so that the justice system is not elevated to a point or to a position above the public's reach and understanding. The public is very much a part of these procedures, and I think that as well is a good thing for the administration of justice in Ontario.

The third aspect dealing with this bill is the extension of the Unified Family Court throughout the province of Ontario. That as well is a very positive thing and it's been a long time in coming. That concept of the Unified Family Court began in the mid-1970s with the Ontario Progressive Conservative government of that day and it has since languished. It's been recognized at a very early stage to have been, as a pilot project, very successful, and it has taken too long to reach the stage where there has been a commitment to expand the Unified Family Court. It's been long overdue and we should certainly receive a commitment from the Attorney General that this expansion not only is going to take place, but is going to take place as rapidly as possible so that we can have a Unified Family Court throughout the province of Ontario with the utmost speed.

I said on second reading, and I will reiterate: Because so many judges who are now provincial court judges will be transferred and will become federal court judges to deal with the Unified Family Court, there will be a significant saving to the administration of justice in Ontario because the federal government will be paying for the salaries of all the new judges who are transferred to the Unified Family Court. That will be a significant saving to the administration of justice in Ontario.

I hope the Attorney General will make it clear to the Treasurer that this money cannot go back into general revenues. It should stay with the justice system and particularly it should stay with the Unified Family Court. It's money that can be used in communities to develop the Unified Family Court projects as they expand across the province. I hope the Attorney General will take that message back to the Treasurer in a very forceful way.

It's interesting to note that since this bill was proposed, a lot of things have happened within the administration of justice in the province of Ontario. We now have, and I think it's safe to describe it this way, a crisis dealing with legal aid. We now have problems dealing with the insurance fund that lawyers maintain for their own liability insurance, which is run through the Law Society of Upper Canada.

These two issues have brought the administration of justice, I believe, to a crossroads in time. I believe that is so because we are now at a point where it will be incumbent upon the Law Society of Upper Canada to solve the problems, in conjunction with the Attorney General, that exist in these particular areas. It will be incumbent upon the law society to deal with the Attorney General, and I hope the Attorney General will continue to recognize that the law society should and must be an independent body dealing with the governance of lawyers in the province of Ontario.

I think the Attorney General would do the administration of justice a major step forward if she would indicate clearly and publicly that the law society must remain a self-governing institution on behalf of lawyers all over Ontario. I think the Attorney General would facilitate the problems that are now existing in these areas of legal aid and lawyers' insurance if she indicated that it is incumbent upon the law society to solve those problems, but that the government will be there to facilitate those solutions, always mindful of the fact that lawyers are a self-governing profession and are governed by the Law Society of Upper Canada.

I hope the Attorney General will make that quite clear so we can get on with the business of dealing with these very significant problems in a way that will be beneficial to the public.

Another thing has happened since this bill was proposed and it causes me some considerable concern, and that's the issue dealing with civil juries. The Attorney General has, in conjunction with the Chief Justice of Ontario, started by way of a committee to look into problems with the civil justice system in terms of courts administration, public access, the cost of administration and the cost of justice in the civil field of law.

One of the very concerning aspects of all this is what

will happen to civil juries in the province of Ontario. I am concerned that the Attorney General will blindly listen to the recommendations of the Ontario Law Reform Commission, which I believe are fundamentally flawed. I hope with all my heart that the Attorney General will look beyond what the Law Reform Commission has indicated in its most recent report dealing with civil juries and speak to people who actually know what it means to litigate cases with a civil jury.

I looked at the names of the people who were involved in that study by the Law Reform Commission and I tell you that not one of those people has any experience whatsoever in dealing with the administration of justice and trying cases in front of a civil jury. That is the most obvious reason why the conclusions of the Law Reform Commission are absolutely flawed.

I want to take the Attorney General back to Bill 136. I don't want you to think I'm rambling away from the bill, because it's a very significant aspect of the rationale behind Bill 136. Bill 136 was created very much with a mind to public involvement in the administration of justice in the province of Ontario. If you remove, Madam Attorney General, civil juries and the right to a civil jury from the administration of justice in this province, what you are doing is taking the most fundamental step that you can take to remove the justice system from the people of Ontario.

It would be totally contrary to the rationale that you yourself used in creating Bill 136, very much designed to permit the public to comment on judicial appointments and the public to be involved in administering judicial conduct and judicial procedures for determining misconduct by judges.

1610

What I say to you, Madam Attorney General, is that to get rid of civil juries on the very, very thin rationale as set out by the Law Reform Commission is contrary to the philosophy that you yourself have used to develop Bill 136, and I would urge you to very soon make a statement to the people of Ontario indicating and reaffirming your commitment to the civil jury system in this province. I would not believe that someone who would draft Bill 136 would, in the same breath, turn around and take civil juries out of the system of justice in the province of Ontario.

As I have indicated, I had the opportunity to discuss and debate this after second reading. One issue I did deal with at that time that I was concerned with was the regulation of judicial conduct by Small Claims Court judges. I'm pleased to say that the Attorney General has brought some amendments forward which ameliorate that situation to some degree. I still think that what you're doing is overkill, but I'm confident that once a matter is referred to a judge of the High Court there will not be disputes, anyway, that go beyond that, so everything else you've done, I hope, is academic, because I don't believe you're going to have situations that escalate beyond that point anyway. I'm grateful that the Attorney General listened to some of those concerns and has taken steps to improve that aspect of the bill. I'm quite grateful that that has been done.

Those are the remarks I have for the record, Mr Speaker. It's safe to say that I will be voting in favour of this piece of legislation, and I hope the rationale that the Attorney General has used to develop it is foremost in her mind when she has to start making decisions about further amending this act to deal with the civil juries. I hope she doesn't do that. I hope she leaves the situation the way it is, because it's a very fundamental aspect to the justice system in the province of Ontario.

The Acting Speaker: Questions or comments? Further debate? Seeing none, would the Attorney General have some concluding remarks?

Hon Mrs Boyd: Just very briefly to answer some of the concerns that have been raised by my colleagues on the other side of the House.

To the member for Brampton South I would say, as I did at second reading, that this bill is not intended to resolve all the problems we face, the problems that we acknowledge we face, in the justice system. There is no question but that there are concerns about backlogs, both civil and criminal, in the court system.

But I would say that many of those issues are not issues that need to be dealt with specifically by this Legislature but are details that need to be worked out between the judiciary, the bar and the courts administration right across the province, and we are doing that. It's very important for people to understand that without having to bring forward any legislation at all, we have done a number of very important and significant changes that have already had their effect in terms of changing some of the problems that we all recognize within the court system.

I firmly believe that the Civil Justice Review, which was mentioned by both of my colleagues, will give us some of the answers, formed in a collaborative way by all those who are involved in the justice system, about how we can deal with the very serious civil backlogs that now exist.

The findings of that review, together with the pilot projects that we now have on case management, the kinds of rule changes that are being contemplated by the civil rules committee, the kinds of work we see being done by the judiciary in terms of ensuring that cases are scheduled in a more appropriate way, all of these things are part and parcel of the enormous change that needs to be made to streamline our system to make it more responsive to those who seek justice from our system.

In the criminal area, the kind of action this government was prepared to take to deal with the very serious crisis that arose in the early 1990s as a result of the Askov decision shows that we are prepared to take action. We have carried on with that in terms of setting in place the Martin committee, that made very, very strong recommendations about ways in which we can move criminal cases forward in a more appropriate way, in a more open way, which permits full disclosure and which enables both the crown and the defence to find ways to resolve some of these issues at an early stage and in a way which ensures that the justice system is well served, that victims' needs are taken into account, and that we see a justice system which is focused on deterrence.

I would say also that it's important for us to recognize that the province can't do this by itself, and that we have been greatly assisted by the kinds of actions announced recently by the federal government in terms of changes to the Criminal Code. Those too, particularly the procedural changes that were introduced last week, will enable us to streamline the process in a very effective way, and we look forward to an early passage of those measures.

With respect to appointments, the member for Brampton South seemed to be under some kind of illusion that the Judicial Appointments Advisory Committee process set up by the honourable member for St George-St David, Mr Scott, under the Liberal government, had somehow fallen into disuse, and indeed it hasn't. It's been a very vigorous process. All of the appointments which this government has made have been made under that process, and that's why we are confirming the importance of that public appointments process.

We are saying very clearly that we want to see it enshrined in law, that we believe this is an appropriate way in which those who are involved in the justice system can advise the government on appointments. One of the changes from the informal process that was set up previously is that the Attorney General of the day must now appoint from a list provided by the committee or else require the committee to go back and re-examine its recommendations. In other words, every person who is appointed will have come through that process, and that's extremely important.

The member for Brampton South also seemed to have some confusion about the appointment of justices of the peace. He needs to know that there has been a very extensive public appointments process set up to deal with the appointments of justices of the peace, that justices of the peace are now appointed on the advice of local committees that are set up in local areas. Those committees determine the requirements for that particular area, they conduct advertisements, they conduct adjudication of applications, and they recommend to the Attorney General for appointment. That process has worked very well, and in conjunction with our procedure, which is converting justices of the peace to full-time appointments, it is strengthening the very first entry point to the criminal justice system through the justices of the peace, and is extremely important.

One of the most important issues in this bill is the accountability issue. The challenge has been to ensure that there is public accountability and yet that independence of the judiciary, of the justices of the peace, is not in any way infringed, and that is an extremely important balancing act that is necessary.

It is now the privilege of individuals to come before the court to complain if they have concerns about judicial conduct, but many people do not know that that process is in place, don't know how to access it. This bill will require that there be clear public education and information about the process, how it operates and what the citizen's role is in that, so that citizens understand that they can indeed complain if they perceive conduct to be prejudicial to them in any kind of way in front of the justice system.

1620

The member for Brampton South suggested that the openness of the process—because under the bill, in most instances, this process would be fairly open—is a drawback. I would suggest that indeed it is important for the judicial profession, as for every other profession, to be prepared to self-govern in a way that ensures that justice can be seen to be done. There is a provision that there can be a maintenance of confidentiality in very specific cases, but there has to be a justification for that. I would say that's extremely important in this process, that that is how we will win back public confidence in terms of their ability to deal with an independent judiciary. This is a confusion for many people.

I'm pleased that the member for Willowdale recognizes the changes that were made in the Small Claims Court judge disciplinary process. I agree with him I think it would be very unusual for matters to go farther than the regional senior judge, but we did believe it was important to leave a process there in case there was any question on the part of the public that accountability had been maintained. I say quite clearly I do not expect we will see a great many complaints under that section, but we did feel it was important for the purposes of accountability to ensure that that process was in place in its modified way.

With respect to the Unified Family Court, I'm very pleased that both the opposition parties support our bid to expand the Unified Family Court. I would agree with the member for Willowdale that I certainly wish this had been done years ago as well. What we depend upon now, of course, is agreement between the federal and provincial governments about the resource allocation to this. As the member for Willowdale pointed out very clearly, the federal government must be prepared to put the resources into judges' salaries and to appoint section 96 judges.

I would repeat the commitment that I made during second reading and that I know the deputy has made on many occasions, that if indeed the federal government and the provincial government are able to come to an agreement about the appointments process for Unified Family Court judges and we see those judges appointed from the specialists who already sit on the provincial bench, then my expectation, and certainly our commitment to the federal government, would be that the salary dollars saved by the province would be allocated to ensure that the services are there to ensure the success of that Unified Family Court. We are quite aware that the federal government will not be prepared to negotiate this situation unless it has an assurance that the services are there to make the court a success. We agree with them that that is extremely important.

The member for Willowdale also raised a number of issues facing the legal profession that have nothing to do with this bill and hopes the Ministry of the Attorney General and I, as minister, would respect the independence of the law society as a self-governing institution. I'm a little puzzled by his comments, since I believe it was just last week that the member was standing in his place asking me to take action to deal with the legal aid crisis because I was the minister responsible. Certainly the official opposition was making that requirement. At

that time I stated very clearly my belief that it is important for us to recognize and honour the independence of the profession, to recognize that access to justice is a real concern for law society members, not just for those who are concerned about the possibility of a reduction of service from a client point of view.

I would say very clearly that our commitment as a ministry and my commitment as a minister is to work together with the law society and its members, to work together with the judiciary and the bar, to try to find ways in which the legal aid plan, the errors and omissions insurance plan, these very important aspects, are still very much under self-governing control.

It's very important for members to also recognize that the government's responsibility in this is a budgetary responsibility. We are saying that the way in which people meet their budget obligations certainly should be the responsibility of a self-governing and independent group to determine, but the budget limits are budget limits that we must set as a government.

Finally, there was a comment from the member for Willowdale about the whole issue of civil juries. I would remind the member that the Ontario Law Reform Commission paper is a discussion paper. It has gone out for consultation. We are looking for feedback. When that feedback is received, there will be a final report that will be forwarded in the fall and will be considered by the Civil Justice Review process.

It is important for the members of this Legislature to recognize that our practice in terms of civil juries is somewhat different from that of other provinces, that the suggestion in the Law Reform Commission report was not to do away with civil juries altogether but to make it not a set right of every litigant, but a situation where there would be a determination of the necessity for public input into decisions. We will see, as we go through the consultation process, the extent to which we are able to come to a consensus about the place of civil juries within the justice system.

Finally, I would like to say that I think we have every reason to be very proud of our justice system in Ontario. The member for Brampton South suggested that it is under great criticism, and he is right. Much of that criticism is based on misconceptions about how the justice system has evolved and how hard the judiciary and the bar and the courts administration staff are working together to try to resolve some of the problems which have built up over many years.

An example of that would be the voluntary agreement of provincial judges to sit many additional hours, up to an additional 3,000 presiding days per year, during the period of the social contract. I should report that having gone through two quarters of the year, the figures now show us that, indeed, the judiciary have kept that commitment and in fact have more than kept that commitment. The number of sitting days and indeed the number of sitting hours—because it's important to know the sitting days have not reduced the number of hours in a sitting day—have been met and in fact exceeded with both the trial judges and the managing judges in the province. That's a very important accomplishment.

It is important also to acknowledge the very strong efforts that have been made by the judiciary to manage in a responsible way, and to honour their independence by managing under our current memorandum of understanding, which is a very important way to ensure that independence but also to ensure better management of the courts. I think we all owe a great vote of thanks to the judiciary in this province for the efforts that they have made to try to work with others involved in the system, to resolve the problems that they too recognize with concern are exercising the citizens of the province of Ontario.

Mr Speaker, I thank you for having the patience to listen to these comments. I look forward to seeing Bill 136 made into law.

The Acting Speaker: Mrs Boyd has moved third reading of Bill 136.

Is it the pleasure of the House that the motion carry? Carried.

1630

FINANCIAL SERVICES STATUTE LAW
REFORM AMENDMENT ACT, 1993
LOI DE 1993
PORTANT RÉFORME DE DIVERSES LOIS
RELATIVES AUX SERVICES FINANCIERS

Mr Owens, on behalf of Mr Laughren, moved third reading of Bill 134, An Act to revise the Credit Unions and Caisses Populaires Act and to amend certain other Acts relating to financial services / Projet de loi 134, Loi révisant la Loi sur les caisses populaires et les credit unions et modifiant d'autres lois relatives aux services financiers.

Mr Stephen Owens (Scarborough Centre): Today is a day for celebration and a day of thanks, and I'd also like to spend just a couple of minutes reviewing the bill we are now moving through third reading.

This financial services reform bill was introduced by our Minister of Finance in December 1993, and it sets out important reforms to the Credit Unions and Caisses Populaires Act, the Insurance Act and the Securities Act. These reforms are the result of more than two years of consultation with the credit union and caisses populaires movement, at least four years of consultation with the insurance industry, consumer groups and with the financial services sector as a whole. The reforms will help to modernize the regulation of financial services in Ontario.

The new act will remove outdated and unnecessary barriers and will allow credit unions and caisses populaires to compete in the new global marketplace. It will modernize how Ontario regulates life insurance agents, making the financial services sector more competitive, with better protection for consumers, and it will strengthen protection for investors in securities to enhance confidence in Ontario's markets as a safe place to invest.

I was asked by members of the opposition during second reading, while Bill 134 was an omnibus bill whose central theme was financial services reform, would the government consider other amendments to the financial services community?

I am pleased to report to the House that during the

committee process, the government was able to support amendments to the Insurance Act in response to consultations with the farm mutual industry. These amendments will strengthen the ability of Ontario's farm mutuals to remain competitive and at the same time ensure that our prudential controls remain strong to protect Ontario policyholders.

I'd like to take the opportunity to thank my colleague the member for Huron, Paul Klopp, who spent a lot of time lobbying me on this issue. As you can see, with his proximity to me, he has direct access. Mr Klopp let me know during the process that the last substantive review of farm mutuals took place in 1923. I would say it's time, and I'm sure you would agree, Madam Speaker.

Overall, this is an extremely satisfying day for me, as it is the culmination of a very productive and progressive process. The financial services sector worked with each other and with the government to make reform a reality. I believe these reforms are important to making Ontario's financial services sector strong and competitive.

With that, I'd like to take a minute or so to thank some people who worked extremely hard on this particular piece of legislation: from the ministry staff, Mr Harvey Glower, who has now become a vice-president with the Ontario Development Corp; Mr Terry Campbell; Mr Imants Abols; from the Ontario Insurance Commission, Mr Lawrie Savage, who spent a lot of time working out the various issues and bones of contention among insurers in the province; from the perspective of the Ontario Securities Commission, Ms Joan Smart, who came in to provide some excellent advice to me during the committee process and, along with commissioner Ed Waitzer, worked extremely hard to make our reforms to the Ontario Securities Act relevant and to add some much-needed consumer protection in the financial services marketplace.

Last but certainly not least I thank the folks from the credit union and caisses populaires movement who have worked with me both on this piece of legislation and on my review of the Co-operative Corporations Act: Pierre Lacasse from the Federation des caisses populaires de l'Ontario; Jonathan Guss, who unfortunately is not in the gallery with us, and I would imagine he's out working some magic with some of the associations of small credit unions to bring them onsite and bring them into the family; Mr David Guiney, who had to bear with my translations of the English language into French, and I'm certainly pleased that we're able to have a written record of the proceedings because I'm sure otherwise it would make for some fairly strange financial services reform; Michel Paulin from the L'Alliance des caisses populaires de l'Ontario for his hard work and his great assistance to me as I travelled throughout the province conducting my reviews; and lastly, but not least, Marilyn Hood from Credit Union Central of Ontario.

With that, I again think that this is a day for all of us on all three sides of the House to be proud of the work that was done on this particular piece of legislation. Mr Elston, the member for Bruce, Mr Cousins initially and then Mr Johnson, the member for Don Mills, all worked extremely hard to make sure this was a process that was

moved forward in as quick a manner as possible and in as productive a manner as possible.

I think in closing I'd like to repeat a question that was asked of me during the clause-by-clause section of the process by the member for Oakville South. Mr Carr asked me—and I'm paraphrasing, so please, people, don't run to the Hansard to check out the word-by-word phrasing—"Mr Owens, are you aware this has taken 17 years to bring credit union reform to Ontario?" My response was of course quite helpful and quite informative. I said, "Not only that, Mr Carr, not only has it taken 17 years for credit union and caisses populaires reform to come to Ontario, but did you know that it's been 44 years since there's been some significant life agent reform in this province?"

I also want to indicate that it's the Ontario New Democratic Party government that's providing this financial services reform. The former Minister of Financial Institutions, the Honourable Brian Charlton, the member for Hamilton Mountain, began this process back when I was his parliamentary assistant. Today we can take our hats off to Mr Charlton and of course Mr Laughren for moving this process through.

Again, I thank the members of the committee and the members of the industry. We look forward to further work in the future.

The Acting Speaker (Ms Margaret H. Harrington): I thank the member from Scarborough Centre for his remarks regarding Bill 134. Questions or comments to the member? Seeing none, further debate?

Mr Murray J. Elston (Bruce): I just wanted to allay the fears of anyone who is watching the parliamentary assistant that this bill doesn't solve every problem that ever existed anywhere. I think he would want to acknowledge that, although he did go through a recitation of a fair number of examples of good things which we supported in the bill.

But there for a while I was thinking that we were going to get just about the answer to every problem that has ever struck financial institutions or financial regulation in the province of Ontario, and of course that's not quite the extent of our reforms here. In fact, some of the reforms in financial institutions are awaiting the passage of Bill 160, I guess. Some more are waiting for trust companies and others with respect to regulatory problems which were also being studied under Mr Charlton and other ministers' jurisdictions for several years, and I am told that those will soon be brought in by the New Democrats as well.

1640

Now, we're not exactly sure when "soon" is, but the definition used by the former Attorney General, as he then was, the Honourable Ian Scott, was that "soon" means soon and you will know "soon" as soon as it arrives. So I can expect that probably the parliamentary assistant will uphold that definition as it relates to some of the trust companies that have expressed some concern about the provisions of their industry or provisions of their act which have not yet been touched by this financial regulations amendment bill.

I was interested in several areas of the act. The credit unions, of course, have received, along with caisses populaires, a shot in the arm. We have raised in that regard the concerns which exist between the small credit unions and the large credit unions in the organizations, concerns that some will be driven to do things they might not otherwise have decided to do on their own, that the competition that is now allowed will push the boards of directors to do things they may not have decided to do on their own before. Whether anybody agrees with that or not is neither here nor there. I can tell the honourable member for Scarborough Centre that this is a real concern for some people who came to see us.

I am mindful that we have to be absolutely certain that we have the credit unions and caisses populaires that move into these new areas of endeavour very stable indeed, financially ready to assume the roles that are allowed under this legislation. In fact, we spent some time in committee reviewing the status of credit unions and caisses populaires to ensure, or at least to give ourselves the sense that we were sure, that they were able to depart into these new areas of activity.

I was quite pleased generally with the movement of this bill through the committee stage, but we should at least devote a moment or two to the help provided to us by Monte Kwinter, the member for Wilson Heights, who on more than one occasion saved us from developing amendments and leaving wording in the statute which would leave, at the very least, ambiguity staring us all in the collective face, and at some stages actually saved us from leaving some very grievous errors in the bill.

We have I think assisted in this legislation to change the face of our financial services packages. Obviously, life agent reform had been out in the field for a long time. It predated me. It didn't get done when I was there as minister, it didn't get done when the Conservatives were around and it has taken that capitalist group, the New Democrats, to actually move this reform ahead. To those strong-willed capitalists on the other side of the House, I say thank you very much. Perhaps we can expect more of the same from these folks as they try to earn new favour with the institutions that provide the sound funding and investment for our economic wellbeing in the province of Ontario.

Needless to say, I'm pleased to be here to say that our party will unquestionably support this bill on third reading. We have supported it right through. We have brought forward on occasion two or three amendments which have been of some help, but to be quite honest, the lion's share of the work on this bill has been done by the people at the Ontario Securities Commission, at the Ontario Insurance Commission and at the regulators and financial institutions.

All of those people who were mentioned obviously have been working at this, not just for the last three years but I can tell you for many moons prior to that. In fact, Harvey Glower has been, I would say, working at the end of his responsibilities towards a goal that had been shared by Norm Wilson and others who were in the credit union and caisses populaires branch of the Ministry of Financial Institutions for quite some time.

Perhaps I might say just for a moment, and then I will end my remarks, that the caisses populaires and credit unions organization inside the Ministry of Financial Institutions, now the Ministry of Finance, has been at least in my time there a group of devoted individuals who have seen their work as a special calling, and in some ways a special calling because it is clear I think that caisses populaires and credit unions have not always had the primacy of interest throughout the time that the mandate has been with the ministries of Finance and Financial Institutions.

It goes without question in my view that there are considerable disagreements about whether or not some of the things that were decided in the Ministry of Financial Institutions, as it then was, or the Ministry of Finance, have all been supported by credit unions and caisses populaires, but I can tell you that the people I knew there who were responsible for the organizations in the regulatory sense felt a strong sense of drive towards establishing and maintaining a very secure credit union-caisses populaires movement.

They were absolutely devoted to it. Not only was it their job; in some cases it quite clearly was the mandate that the people had personally in the back of their minds. While I can say that there were disagreements, the object of everyone's desire was basically to make sure that this world worked well for those people who had adopted the credit union and caisses populaires movement as their means of supporting communities and local economic activities in those communities.

From my side, from the Liberal caucus, we support this bill in all of its facets, although if you say that the central theme was financial services regulation, we might well have gone into any number of other areas, because there is still more work to be done. While there has been a great deal accomplished here and while there has been a great deal accomplished that will allow new programs to move into some of the communities that haven't been well served before because of the presence of credit unions and caisses populaires, there still remains yet a considerable degree of activity around the evening or levelling of the financial services playing field.

For all of us who have watched over the last seven or eight years in particular, the movement in this area is quite surprising. It takes the regulators full-time just to keep up to all of the changes and movements that are occurring not only here in Ontario but at the federal level as well. I think that for those people at the Ministry of Finance now who are regulating the financial services area, there will be more to be done and certainly a great deal more to be said and much more to be amended in the not-too-distant future.

Mr Ernie L. Eves (Parry Sound): I want to comment briefly on the legislation. For the most part, I would probably agree with the comments that have been made by the two previous speakers. I would also like to pay the government a compliment by dealing with the concerns of farm mutuals across the province. However, there is one small group of people who are still not entirely enamoured with the legislation, and that is the Ontario Association of Small Credit Unions.

As I'm sure the parliamentary assistant and the minister are aware, this was an association that appeared and made its concerns known before the committee. They are very concerned that the many smaller credit unions across the province have not had their concerns addressed by the new act. I want to touch on a few points that were made by the association before the committee deliberations and I will leave it at that.

At its presentation, the association started out by saying that their association was formed by a small group of credit unions in 1990 because they were concerned about the rapid decline in the number of small credit unions in the province and what they saw as a movement away from the true credit union philosophy.

They actually trace back the history of credit unions and their beginnings in the province of Ontario. They were formed by small groups of people, usually employees pooling their funds together to help each other. For many, credit was not available from banks, so the credit union movement began. Many of them started with assets of less than \$100. Their motto, as it was reiterated by the association, was a smiling man holding an umbrella. Raining on him were the words, "Illness," "Hard Times," and "Financial Distress." He was smiling because he knew that he could always receive help from his local credit union.

It was explained in training manuals of credit unions that workers in the plant would be best suited to serve the credit union as opposed to the controller of a company, because a fellow worker could more easily relate to the needs of his or her co-workers than could a professional person. As credit unions grew and became more sophisticated over the years, that motto was discarded by some and replaced with, "Not for profit, not for charity, but for service." That too was ultimately replaced by a new, modern hands-and-globe symbol.

1650

Some credit unions have grown I presume beyond anybody's expectations in their size. It became clear—quite frankly, the association recognizes—that the current act did not meet the needs of these, as the Ontario Association of Small Credit Unions refers to them, near-banks, nor were the regulatory powers equipped to deal with them. Larger credit unions wanted and needed new rules and so did the regulators.

Larger credit unions have assets, many times, of hundreds of millions of dollars. Membership quite often is in the thousands. Many members are personally unknown to credit union employees. Over the years, of course, these larger credit unions have found that workers in the plant did not have the expertise to deal with their new situation in the credit union movement, so they recruited professionals from the banks, from the ministry, and in turn recruited examiners from banks.

Everything seems to be working fine with the advent of these changes to the legislation except with the smaller credit unions which are still in many smaller communities across the province. As one small credit union stated in a letter to the ministry with respect to the proposed legislation, "The very rules that are supposed to save us are going to put us out of business."

That has been the trend in the province. Ten years ago, there were over 1,000 credit unions in the province of Ontario; today there are less than 600. An article in Credit Union Central's Spectrum magazine in 1989 predicted that by the year 2000, the number of credit unions will be well below 300. It is not the larger credit unions of course that are disappearing; it is the smaller ones. They are having problems. They are having problems being what they have always been to people in small communities.

One general manager who's been involved in 16 different mergers has responded to the problems of smaller credit unions and their disappearance by saying, and I quote: "I believe that the credit union system's market share problem can be corrected to some extent through mergers. If limited service credit unions merge with full service ones, then we can pull business away from the banks and trusts."

I think that is exactly part of the problem that smaller credit unions in the province are facing today. There seems to be this philosophy that bigger is better, even at the expense of many smaller credit unions.

In an article in Spectrum also, commemorating Central's 50th anniversary, Central's very first, first-time general manager, Mr John Hallanan, is quoted as saying: "Credit unions are dominated by professional bankers. Many of these people don't know the historical background of the movement and focus on profit instead of service. We have gradually devolved into just another industry." He goes on to state that in his opinion credit unions have lost their values in the drive to become superprofessional banking institutions.

I give credit to the Ontario Association of Small Credit Unions, because although it has problems with the current legislation, Bill 134, which we're debating and talking about here today on third reading, it recognizes that larger credit unions need this reform if they are going to survive. But the query that it made to the minister and the ministry, both before the bill went through second reading and after in committee, is still the same, "What are you going to do to address our concerns?"

I would like to hear some response from the government as to exactly what it does plan to do to address the concerns of the smaller credit unions in the province of Ontario.

The Acting Speaker: Are there questions or comments to the member?

Mr Owens: I very quickly want to thank the member for Parry Sound for his comments. The concerns that he raised on behalf of the Ontario Association of Small Credit Unions are not unknown to myself nor the minister nor the representatives from the credit union and caisses populaires movement.

When representatives of this group came forward to committee, yes, there was a concern about the decline of small credit unions, and yes, 10 years ago there were 1,000 small credit unions and today there are 600 and there is a projection of a further decrease. I think, if the member looks closely at the reasons for this, it's the result of mergers and some of the smaller credit unions

simply going out of business. It's not as a result of business practices by the larger credit unions.

In terms of the smaller credit unions, the message we tried to give to them in a very concerted and direct way was that this legislation is not going to impact on their ability to do business. This is permissive legislation. You can choose to act on the new services if you choose to. Yes, it's true that the larger credit unions and caisses populaires need to have the kind of reform that we are proposing in order to meet the competition in the newly reorganized global financial community, but it's our view and the view of the credit unions and caisses populaires who work quite closely with the credit unions that this is not going to be an issue for them.

In terms of the issue itself, if the member for Parry Sound or any other member of the Conservative caucus, which, I will give credit to, has argued strenuously on behalf of these folks, would like to sit down for a briefing, we will go over these issues with them and point out that we are in no way negatively impacting on the ability of this association to do business.

Mr David Johnson (Don Mills): My colleague the member for Markham, the previous critic, and I have both indicated that we would be supporting this bill and expediting this bill, and we certainly have done that. I think the parliamentary assistant would agree that we have done that.

Notwithstanding those comments, I must say that the comments of my colleague from Parry Sound are well taken, and these are comments that have been expressed to us by the Ontario Association of Small Credit Unions. I have a great deal of sympathy for their case, and perhaps we should take the parliamentary assistant up on his offer and sit down and discuss this further. But the small credit unions remember the way the credit union movement was back a few years ago, and still is today, whereby they know all their members, and they're not professionals: The people who perform the management positions, make the decisions, are people they work with on a day-to-day basis; they're all volunteers. They know their business; they know their people. They have an excellent default record, I might say, because they do know their people and they do know if there's a risk associated with their people. There's also the factor that since in a smaller credit union people know one another and interact with one another, work with one another on a day-to-day basis, one member is very reluctant to default on another member. So there's that sort of pressure.

The small credit unions have given excellent service throughout the province of Ontario, and I for one would certainly be very reluctant to put in place any measures that would discourage the small credit unions. It certainly deserves some further effort to address the concerns that the member for Parry Sound has brought forward.

The Acting Speaker: Are there further questions or comments to the member for Parry Sound? If not, the member has two minutes to respond.

Mr Eves: I won't be using my entire two minutes of time, but I too appreciate the offer from the member for Scarborough Centre. Perhaps we could get the association

together with him and officials in the ministry to discuss their concerns. When they filed their report during committee hearings, they had four basic concerns or problems they saw with Bill 134, and I'm sure they would appreciate that opportunity to delve into those matters further with the member and the ministry.

Just to very briefly allude to a couple of the comments the member for Don Mills made, it's been pointed out to me by several members of the smaller credit unions in the province of Ontario that they still practise, it may be a surprise to some members to learn, on the basis that the three basic concerns in operating a small credit union that a manager always had were (a) the character of the individual seeking the financing, (b) the capacity to repay the loan, and (c) collateral.

1700

To smaller credit unions, it seems as if those three principles have been reversed. The number one principle now seems to become collateral, the number two principle is the capacity to repay, and, sadly, the third principle is the character of the individual. That is one advantage, I believe, that smaller credit unions have over the larger ones that are not in the same ballpark.

Mr Paul Klopp (Huron): Come on, Ernie. That's unfair.

Mr Eves: The member for Huron says that's unfair. I can take him to a couple of smaller credit unions in my riding where the manager knows each and every single person who has a loan. When you compare that to, for example—no offence to be taken—the Auto Workers Credit Union in Oshawa, which has numerous offices, hundreds of millions of dollars worth of assets, is the member for Huron telling me there's one manager in Oshawa who knows every single person personally and knows their background and their character, every single person who's ever taken a loan from that credit union? Absolutely not the case—

Mr Klopp: You're comparing apples and oranges.

Mr Eves:—and that's exactly the point of the smaller credit unions.

The Acting Speaker: Is there further debate on Bill 134?

Mr David Johnson: I was going to begin my debate today talking about the Ontario Association of Small Credit Unions, but the member for Parry Sound has stolen my thunder, and rightfully so, because he's been very close to that association for some period of time. So I don't regret that whatsoever.

But I will point out—I wasn't sure if it was mentioned—that the association itself put forward the possibility of having two different bills, one pertaining to large credit unions and one pertaining to small credit unions, and that there would be a one- to two-year phase-in and the credit union itself could determine which bill under which to operate. An alternative suggestion they put forward was to have one bill with part A and part B, and you would pick the part a credit union would operate under.

I realize that may be somewhat unprecedented, and perhaps that's why the government didn't proceed with it,

but at least they put forward that suggestion, recognizing the difference, in their view, between the large credit unions and the small credit unions.

I will pass on to talk about just a few of the other concerns, and that's all I'm going to do, in a brief period of time, I hope: first, to register my support for the bill, which I've already done; to indicate that through the process, I personally believe that I and my colleagues in the Progressive Conservative Party have gone to great lengths to expedite the process, and I think the same can be said of the other opposition party. But there are one or two concerns that were registered, and I would just like to put them on record this afternoon if I might.

The Coalition of Credit Unions and Caisses Populaires presented to us an excellent presentation. I believe some of their representatives are here today. They presented on behalf of the Association of Credit Unions of Ontario, having some 19 members; L'Alliance des caisses populaires de l'Ontario, having some 14 members; the Federation des caisses populaires de l'Ontario, having some 43 members; and the Credit Union Central, having some 423 members, I believe. They presented to us and expressed their support of Bill 134 as being long-overdue legislation. I believe the last amendment was in 1976, almost 20 years ago, to the Credit Union Act, so it's perhaps long overdue.

I would just like to put forward one concern. They did register a few concerns, but they were supportive. One concern that was registered concerned a comparison between the credit union-caisses populaires movement and the banks.

At the federal level, the Canada Deposit Insurance Corp insures the deposits of the banks and trusts. The CDIC, as it's known in short, has the right under statute to borrow from the consolidated revenue of the federal government. The authorized borrowing, I might say, in the first instance was about \$500 million; it's now up, I believe, to some \$6 billion that the CDIC is permitted to borrow as it guarantees the deposits in banks and trust companies. That ability to borrow from the consolidated revenue of the federal government is something that has worth, that has real value to the banks and trust companies.

By comparison, the equivalent unit in the province of Ontario is called OSDIC for short. It's the Ontario Share and Deposit Insurance Corp. That is the corporation that assists the credit union movement, but it has no equivalent right to borrow from consolidated revenue of the province of Ontario. So if OSDIC is required to borrow funds, it must go out on the open market, on the private market, and borrow money at a higher cost than would be associated with banks and trust companies.

So that puts the credit union movement, in its view—and this was the view that was put forward fairly firmly and strongly by the coalition representing the caisses populaires and credit unions—at a disadvantage to the banks and the trust companies in that regard. That was perhaps one of their major points, and I just wanted to put that on record in terms of their ability to compete in the markets today.

One other point that I wanted to put on record is from

a presentation that was made by caisse populaire Ste-Anne-Laurier d'Ottawa. In their view, and they were fairly firm in this as well, the most flagrant shortcoming was the inability to impose a mandatory affiliation whereby each caisse populaire or credit union would have to be affiliated with a league or a federation. But apparently within the movement there's a split on that; some favour that mandatory affiliation and some oppose it. So the government has decided not to take any action on it, but from the point of view of this one caisse populaire, at any rate, they feel that that's a real shortcoming.

Interjection.

Mr David Johnson: From the Ste-Anne-Laurier, that's right; that's the one. The parliamentary assistant was there, I'm sure, and heard the deputation. They put their views forward very firmly, and I thought it should go on record that they had done that. Apparently, all other Canadian provinces have that mandatory affiliation. Ontario is the only exception; that's what they've indicated, at least to me. They feel that it would be more efficient for the Ministry of Finance to deal with a federation or a league, which would then deal with its individual members.

Mr Owens: What did you say about the small credit unions?

Mr David Johnson: I'm saying there are different points of view, and I'm putting forward those different points of view, Mr Parliamentary Assistant.

The Acting Speaker: Please address your remarks to the Chair.

Mr David Johnson: It shouldn't be too difficult for the parliamentary assistant to be able to deal with that.

Mr Klopp: You are talking about one side or the other.

Mr David Johnson: So there's another point of view, Madam Speaker, and it was put forward very firmly. From the heckling on the other side, I guess they have a problem dealing with that, but that's too bad.

Mr Klopp: Read Hansard; your own colleague says something to that effect.

Mr David Johnson: Another piece of good news, perhaps, that I would like to bring forward concerns the presentation of the Ontario Mutual Insurance Association, commonly known as the farm mutuals.

Hon Gilles Pouliot (Minister of Transportation and Minister Responsible for Francophone Affairs): Your friends.

1710

Mr David Johnson: My friends; for sure. They do a good job. They represent some 51 insurance companies in Ontario, known as the farm mutuals. Again, they are directed largely by volunteer board members, who may be farmers and small business people within their communities, and they provide property and casualty insurance, vehicle insurance and that sort of thing, largely within the farm community.

They have assets of some \$360 million. I think I've got that wrong. Their total policy surplus stands at—sorry—\$530 million in total assets, so this is a big operation.

The farm mutuals did come before us, did make an excellent presentation, and did request the ability to retail certain insurance policies, and this has been granted. In November of last year, they actually took a vote among their members, and their members recognized that they needed the ability to compete. By a 90% vote, they did recommend that they look for a broadening of the regulations that they have at the present time, and they have been given the right, through a subsidiary, to retail certain insurance policies.

That was one of the higher points, I might say, of the whole proceedings, which were excellent proceedings, excellent committee hearings, all the way round, but that was one of the pieces of good news.

The Investment Dealers Association of Canada appeared before us, and this was good news as well. The investment dealers are looking for the ability to have what they call an SRO, a self-regulatory organization. Within the investment community at present, this kind of regulation is taking place, but it is not sanctioned by the act that's in place at the present time. It has been challenged in the courts, and there's some concern that unless additional authority on this self-regulation was provided through this act, perhaps that self-regulation would be at risk, in jeopardy.

They made their case, and I must say that they were granted—well, we will see through the regulations but it appears that that authority has been extended to the Investment Dealers Association, and certainly I support that. I want to put on record that I support that self-regulatory approach. It's more efficient for the taxpayer. It avoids bureaucracy here within the provincial government. We surely don't want a provincial bureaucracy doing that sort of thing. Within the financial community itself, it does have the expertise to do this, and indeed through its past actions has shown it's prepared to put in place more stringent regulatory controls than the government has mandated. I think that's a win-win situation.

Passing quickly now to the independent life insurance brokers, again a level of support for the bill, although they did express a few concerns which I'll just put on record at this point.

First, they felt that those agents who have been licensed for five years should be grandfathered in terms of the education requirements. There are new education requirements that are being introduced through this bill: level 1 education, level 2. They felt that those who were five years within the profession should be grandfathered. They felt the education requirements were too low, as a matter of fact. As I understand it, the requirement is for 30 hours over two years. They suggested that the education requirements for life insurance agents should be 24 hours a year.

They recommended that the code of ethics should be revised, and they felt that one code of ethics for all types of agents perhaps was not appropriate; that there should be a different code of ethics depending on the situation.

Finally, they raised the issue of replacement policies in the life insurance business. This general area is one that perhaps drew some concern from different angles. The agents themselves felt that when somebody is looking at

the possibility of having a new life insurance policy, the bill apparently would require the agent who is proposing to replace it to lay out a comparison of the existing policy with the proposed policy.

The agents have indicated that in some cases that will be difficult to impossible to do, because some policies go back many years, perhaps even decades, and they will not be in a position to be able to lay out all the facts. So the agents feel that should they be marketing a new policy, they should be required to lay out all the facts for that policy, with regard to all the various components of the policy—the premiums, the face value etc—but they should not be required to go back to the previous policy and to provide the equivalent facts.

That's from the independent life insurance brokers. One or two of the companies have also expressed concerns with regard to this replacement policy. They've indicated that the proposed form that would have to be filled out for a replacement policy would blank out most of the information about the new policy and would make it very difficult for the company that has the existing policy to comment. They also indicate that it would allow the replacing agent to be less than forthcoming in his or her comparison tables because it will not be checked out by another insurance company, so they've expressed concerns with regard to the replacement process as well. That's coming both from some of the companies and from some of the independent brokers.

Although we've passed that now—some of these complaints, I might say, have come up after the committee hearings—perhaps it's still something that could be looked into. I look at the parliamentary assistant. I'm not sure whether he's nodding his head that there's a point there or not.

There's just one more aspect I want to mention today, time being short, and that was from the Canadian Life and Health Insurance Association Inc. They raised a couple of concerns. In their submission, they've asked that the same kind of ability that was granted to the farm mutuals in terms of marketing or retailing be extended to their industry. This was a common theme through the whole piece, that all involved in the financial community, whether the trust companies or the credit unions or the caisses populaires or the insurance people, all wanted to make sure there's a level playing field.

I think there is agreement that the credit unions and the caisses populaires were the most deserving of having up-to-date information and the most deserving at this point in time to be given a level playing field. But the other actors in this whole play were saying: "Don't forget about us. Don't forget about the insurance industry, don't forget about the trust companies," that they also have their eye on being brought up to date. In many cases, the legislation involving their industry is well out of date as well and needs to be addressed and updated so they too would be on a level playing field, particularly with the banks. That's the major concern: with the banks.

The second point the Canadian Life and Health Insurance Association made was with regard to its filing date. They pointed out that by federal decree they are required, apparently, to file on October 31, and by provincial

decree they're required to file, some of them at any rate, on December 31. So there's a period of two months in between where they don't coincide. They do one file and one audit for October 31, another file and another audit for the two months leading up to December 31, and it's very wasteful, it's very expensive. One firm indicated that the cost to do this was in the order of \$200,000. Indeed, they're suggesting that they be permitted to select the date on which they can file so that there's one date and they can avoid the duplication, save money and make their business more competitive. Hopefully, we can recognize that and allow our businesses to be more competitive.

1720

There were other issues raised during the period of the debates, but those are the ones I wanted to bring forward, because there were a number of excellent deputations. And I have to say the government and the staff behind the government did a good job on this one.

Mr Kimble Sutherland (Oxford): Get that down.

Mr David Johnson: Get that down? When praise is due, I'll give praise, and I must say that on this bill the staff did a good job of consulting. There are a few concerns that fell through the cracks. That's only normal in a bill of this magnitude, some 184 pages I think it is. It's a major bill, a major piece of legislation. We did sit through some 127 amendments in the first instance. I don't know what we ended up with. But when all parties are thrown into the pot, I suspect there were about 140 amendments altogether. We did it in a very rapid fashion, with a high degree of cooperation, so perhaps this has been a good exercise, and my compliments to everybody concerned, but I did want to put on record a few of those concerns that some people feel perhaps haven't been addressed.

The Acting Speaker: I thank the member for Don Mills for his contribution to the debate. Questions or comments to the member?

Mr Owens: I just want to address a number of things the member for Don Mills said. It's unfortunate that on this day of goodwill and celebration there would be some of the negative connotations brought into this House. If the member is going to read the presentations and concerns from the aforementioned groups, I believe he should also read the responses provided by myself and the ministry staff.

On the issue of the Ste-Anne-Laurier credit union from Ottawa and its concerns, we addressed these concerns quite directly and early on in the process. They were concerned about the cultural implications of this particular piece of legislation. We then informed them at the committee hearing that this government has done two things with respect to the caisses populaires: First, we have enshrined and reserved the name "caisse populaire." Upon proclamation, no other group can use the term "caisse populaire" unless in fact it is a caisse populaire. Second, we have enshrined in legislation the provision of services in French.

On the issue of the Canadian Life and Health Insurance Association, as was quite adequately and quite

simply explained to the committee and those who were in the room that particular day, there's absolutely no comparison between the farm mutuals and the Canadian life and health association. The farm mutuals stand behind each other to a company: Each and every member is willing and prepared to back the other member. It can't be said for the members of the Canadian life and health association.

On the issue of the small credit unions and the comments from the member for Don Mills with respect to mandatory membership in leagues, he has to decide what he wants. He wants either to have mandatory membership and support the Ste-Anne-Laurier caisse populaire or he wants to support the association of small credit unions. In terms of the work we've done with the small credit unions, we again can be proud of the work we've done and will continue to do so, notwithstanding the member for Don Mills.

Mr Noble Villeneuve (S-D-G & East Grenville): I too want to first of all compliment the government. My colleague the member for Don Mills has brought up some of the problems that were pointed out by the organization of caisses populaires, particularly in eastern Ontario, and they were addressed reasonably well.

Certainly as we go back to our mutual farm insurance companies, they brought forth very legitimate requirements, requests, to ensure their viability. I certainly speak for two, the Grenville Patron Mutual and the Glengarry Farmers Mutual Fire Insurance Co. Both are very active in my community and I certainly agree that they should be allowed to do some investing of some of the moneys, and I think that's been accommodated in a very positive way.

I only wish that with Bill 91, which will be brought forth next, the government had listened in the same way. Common sense has prevailed in this particular bill. It would be awful nice to see some common sense prevail on Bill 91 as well, because I can tell you, we're getting ready to put up a real fight in this Legislature.

The parliamentary assistant talked about a great day and all the cooperation. I asked for a bit of cooperation. We got it in this bill. I ask for it on Bill 91. Let's have input from the people who are involved directly, the same people who support the farmers mutual insurance. They were accommodated very well in this bill. I say to the parliamentary assistant, let's extend it; let's do it throughout all of rural Ontario, because Bill 91 is something that the people of rural Ontario are not looking for. They were looking for these amendments and they got them, and I thank the government for it.

The Acting Speaker: Are there any further questions or comments to the member for Don Mills? Seeing none, the member may have two minutes to reply.

Mr David Johnson: I thank my colleague from S-D-G & East Grenville for his comments with regard to Bill 134 and Bill 91. The member is certainly very familiar with farm mutuals and understands the needs and concerns in that particular area. As I mentioned in my speech, the farm mutuals did come forward, made an excellent presentation and I believe were satisfied with the authority and responsibility that was given to them

through the act.

With regard to the member for Scarborough Centre, it's unfortunate that one can't stand up in this Legislature and say basically that this is a good bill. This is a bill that my party helped to expedite. I, in particular, and the member for Oakville South and the member for Markham helped expedite this through, and I think the parliamentary assistant would recognize that. But you can't make a comment that one of the many organizations that came forward made comments where it would like to see various aspects of the bill improved. I'm not allowed to make those kinds of comments or I'm accused of being negative. Everything has to come up roses or else the parliamentary assistant gets upset. I'm a little disappointed in that kind of reaction, that in this Legislature you can't raise possible areas of improvement.

I didn't mention, for example, that the Insurance Brokers Association of Ontario had gone to great pains to indicate to us the folly of Bill 164 and what Bill 164 meant to their industry. Apparently they had eight pages for the insurance brokers and that went up to 77 pages that they had to read through for Bill 164. I didn't bring that kind of comment here because basically I thought this was a positive exercise, but certainly some concerns have been registered and I think it's in my job as a critic to bring those to the House.

The Acting Speaker: I thank the member for Don Mills for his contribution to the debate. Is there any further debate on Bill 134? If not, the parliamentary assistant, to make closing remarks.

Mr Owens: I'd like to thank members on all sides of the House for their hard work and cooperation through this process and also the members of the financial services community who have been of incredible assistance as we have moved through this process.

I forgot during my remarks earlier to thank one person, and that's Mr Andy Poprawa from the Ontario Share and Deposit Insurance Corp. Andy, before his move to OSDIC, was the manager of the credit union services in our ministry. Mr Poprawa has worked quite hard, both for our ministry and now in his new role in OSDIC to ensure that the credit union movement not only survives but continues to grow and thrive and is able to respond to the new global financial services marketplace.

The Acting Speaker: Mr Owens has moved third reading of Bill 134.

Is it the pleasure of the House that the motion carry? Carried.

AGRICULTURAL LABOUR RELATIONS ACT, 1993

LOI DE 1993 SUR LES RELATIONS DE TRAVAIL DANS L'AGRICULTURE

Resuming the adjourned debate on the motion for second reading of Bill 91, An Act respecting Labour Relations in the Agriculture Industry / Projet de loi 91, Loi concernant les relations de travail dans l'industrie agricole.

The Acting Speaker (Ms Margaret H. Harrington): In accordance with orders of the House, Mr Mackenzie has moved second reading of the bill without further debate.

Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This is a five-minute bell.

The division bells rang from 1732 to 1737.

The Acting Speaker: Order. Would members please take their seats. Mr Mackenzie has moved second reading of Bill 91.

All those in favour of the motion will please rise and be recognized by the clerk.

Ayes

Abel, Akande, Allen, Bisson, Boyd, Carter, Charlton, Christopherson, Churley, Cooke, Cooper, Coppen, Duignan, Farnan, Fletcher, Frankford, Gigantes, Grier, Haeck, Hampton, Hansen, Haslam, Hayes, Hope, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Lankin, Lessard, MacKinnon, Malkowski, Mammoliti, Marchese, Martel, Mathysen, Mills, O'Connor, Owens, Perruzza, Pilkey, Pouliot, Rae, Rizzo, Sutherland, Ward, Wark-Martyn, Waters, Wessinger, White, Wildman, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wiseman, Wood, Ziemba.

The Acting Speaker: All those opposed will please rise one at a time to be recognized by the clerk.

Nays

Arnott, Beer, Brown, Carr, Cleary, Conway, Cunningham, Elston, Eves, Fawcett, Harnick, Harris, Henderson, Jackson, Johnson (Don Mills), Mahoney, Marland, McGuinty, McLean, Murphy, North, Offer, O'Neil (Quinte), O'Neill (Ottawa-Rideau), Poirier, Ramsay, Runciman, Sterling, Tilson, Turnbull, Villeneuve, Wilson (Simcoe West), Witmer.

The Acting Speaker: The ayes being 56, the nays 33, I declare the motion carried.

This bill is ordered to committee of the whole House.

Hon Brian A. Charlton (Government House Leader): Just before we move to orders of the day, there's been a topic discussed around for the last couple of hours and I would like to seek the unanimous consent of the House to ensure that the flags in front of this building fly at half-mast for the next couple of days, until the funeral on Wednesday for the constable who was killed last Thursday.

The Acting Speaker: Do we have unanimous consent? Agreed.

Report continues in volume B.

**LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Brampton South/-Sud	Ward, Hon/L'hon Brad (ND) Minister without Portfolio, Ministry of Finance / ministre sans portefeuille, ministère des Finances	Hamilton Mountain	Charlton, Hon/L'hon Brian A. (ND) Chair of the Management Board of Cabinet, government House leader and minister responsible for the automobile insurance review / président du Conseil de gestion, leader parlementaire du gouvernement et ministre délégué à l'Assurance-automobile
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Niagara South/-Sud	Coppen, Hon/L'hon Shirley (ND) Minister without Portfolio, Ministry of Culture, Tourism and Recreation / ministre sans portefeuille, ministère de la Culture, du Tourisme et des Loisirs	Sarnia	Huget, Bob (ND)
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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**Legislative Assembly
of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**Troisième session, 35^e législature**Official Report
of Debates
(Hansard)**

Monday 20 June 1994

**Journal
des débats
(Hansard)**

Lundi 20 juin 1994

Speaker
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Claude L. DesRosiersPrésident
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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 20 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 20 juin 1994

Report continued from volume A.

CROWN FOREST SUSTAINABILITY ACT, 1994

LOI DE 1994 SUR LA DURABILITÉ
DES FORÊTS DE LA COURONNE

Mr Hampton moved second reading of the following bill:

Bill 171, An Act to revise the Crown Timber Act to provide for the sustainability of Crown Forests in Ontario / Projet de loi 171, Loi révisant la Loi sur le bois de la Couronne en vue de prévoir la durabilité des forêts de la Couronne en Ontario.

The Acting Speaker (Ms Margaret H. Harrington): Would members kindly leave the chamber if they are on their way. Mr Hampton, would you care to make opening remarks?

Hon Howard Hampton (Minister of Natural Resources): It is my pleasure today to speak to my motion that asks this House to give second reading to the Crown Forest Sustainability Act, Bill 171.

The Acting Speaker: Order. I would ask members in the chamber if I could be allowed to hear the minister who is making the remarks. I would ask members, if they are carrying on conversations, to leave the chamber.

Hon Mr Hampton: This act is a clear sign of the commitment of our government to greening the forest practices of the province and to ensuring a sustainable forest industry. This act represents a new vision for forest management in Ontario. It is a vision that looks at the whole forest. It moves us beyond the approach of the past, which was to view our forests primarily as timber crops for industrial use.

Our forests must continue to support our forest industries, but our forests must provide much more than lumber and pulp. They must protect the precious ecological diversity of the province. They must provide recreation, tourism opportunities and habitat for wildlife. Our forests must provide opportunities for feeling and sensing the magnificence of nature. Through the vision of the Crown Forest Sustainability Act, our government will ensure that our forests meet the range of benefits and values that we and the global community require for a sustainable future.

Briefly, I would like to highlight the key elements of Bill 171. The act is structured to provide careful planning for use of forest resources, to use professional judgement in managing the diverse forests of the province, to recognize the importance of biological and other information in forest management; and to demand accountability for results.

The act will also establish clear and higher standards for activities conducted in forest ecosystems on crown land; will establish strong compliance mechanisms and

stiffer penalties for those who don't follow the rules when they operate in the forest; will establish a forest renewal trust fund and a forestry futures trust fund to make sure that our forests are regenerated and that forest renewal meets improved standards.

It will require that forest renewal is planned before harvesting ever takes place. It will require that forest planning be improved and take into account the whole forest and all associated values. It will provide mechanisms to set aside sufficient funding every year to guarantee full forest renewal and it will provide for the inclusion of other forest resources in forest planning and management.

It will give people a greater voice in how our forests are managed and will require the government and forest industries to report regularly to the public on how their forests are being managed so that the people will be able to judge for themselves if our forests are being cared for properly. I will explain these key elements of the bill in much more detail in a few moments.

First, however, I would like to outline that developing a new piece of forest legislation is a complex undertaking. Some might ask why new legislation is needed. The answer lies in the debate many of us see almost daily in our newspapers, on television, in the legislatures of other provinces, in the House of Commons and in legislative assemblies in many other countries. People are concerned about their forests. They are concerned about a sustainable future for our planet, the future of the environment they will leave their children. They want to give their children a healthy planet. Maintaining healthy forests is an important part of providing a healthy environment.

I'm sure most of us in this House have heard the concerns of the public about our forests. People are worried that forests are not being renewed adequately. They are afraid that some forest operations cause environmental damage. They feel that the forest industry takes almost complete precedence and that other values of the forest are ignored. They don't think government provides meaningful and timely information on the state of our forests. They don't think the forest industry pays enough for using our forests. They don't think government does enough to enforce the rules and regulations that are now in place.

When we were in opposition we raised many of these concerns. We called for improvements in forest management. Many of these improvements were summarized in the 1983 report of the Ontario New Democratic Party Caucus Task Force on Forestry. We vowed to make significant improvements if we had the opportunity. In government, we now have that opportunity and we are seizing it.

We want to see significant improvement in the way

our forests are managed. The Crown Forest Sustainability Act will enable us to make significant improvements in the management and protection of our forests. We in Ontario, who are blessed with abundant resources and abundant forests, really can do nothing less. We have a responsibility to the global community to improve our forest practices. We have a responsibility to show leadership in the way we manage our forests and to show that our forests can be managed sustainably on an ecosystem basis. We have taken our responsibility seriously since forming the government.

The introduction of Bill 171 builds on a series of initiatives we have undertaken to learn more about the forest and develop the tools needed to improve forest management. Our government asked the Ontario forest policy panel to provide us with recommendations on a comprehensive forest policy framework for the province. This was an independent committee. Committee members travelled the province, speaking to 3,000 people about the importance of our forests. The committee's final report represents a remarkable consensus of everyone from forest companies to environmentalists.

In developing its report, the committee set out a broad, forward-looking mandate for itself. It wanted to convey to forest users and interested citizens a synthesis of new thinking and new directions on all the forests of the province. For forest managers, it wanted to set the tone for new ideals and a more considered ethic towards ecosystems.

The committee's work confirmed things many of us feel intuitively. The committee said: "Forests are an essential element in our sense of ourselves as Ontarians. Forests are important." About forest sustainability, the committee said: "This is the bottom line: Forests are for ever. Forest policy must ensure that all our uses and interventions are done in such a way that forests will always be large, healthy, diverse and productive."

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The committee used the concept "adaptive ecosystem management" to respond to the idea of sustainability. It said: "We must plan for and manage forested ecosystems in a holistic way, looking at the many elements which make up the ecosystem. 'Adaptive' means that we learn as we go. The ecosystem teaches us about itself. We learn from it and modify our interventions to ensure that they do not threaten forest sustainability."

The committee's ideas on adaptive ecosystem management are embodied in the flexible approach of this act. I will discuss that flexible approach at greater length in a few moments.

We listened to the advice of the independent policy committee. We have taken the goal statement of the committee's report, called Diversity, and we have made it the cornerstone of our approach to forest sustainability. We have adopted the first Policy Framework for Sustainable Forests for Ontario. It is a historic document because it represents a shift from managing forests for timber to a view that we must manage for all forest values. The goal is to ensure the long-term health of our forest ecosystems for the benefit of the local and global environments, while enabling present and future gener-

ations to meet their material and social needs. The policy framework outlines principles for sustaining forests, strategic objectives for forest sustainability and the essential steps towards ecosystem management.

We need sustainable forests to ensure that we are able to sustain forestry jobs, forest-dependent communities and the cultural, recreational and spiritual values of forests. The policy framework is a major step for Ontario to becoming a leader in North America in ensuring the long-term health of forest ecosystems.

I said earlier that we have a responsibility to show leadership in improving forest management. Clearly, we are doing that. But we must be able to go forward from the theory of the framework. We have to put that vision into practice. Again, Bill 171, the Crown Forest Sustainability Act, is a key tool for putting the vision of sustainable forestry set out in the policy framework into practice on the ground.

Recently, the decision of the Environmental Assessment Board on the class environmental assessment for timber management was delivered. The Environmental Assessment Board approved a proposal from the Ministry of Natural Resources for timber management. The board also set out 107 pages of terms and conditions for operating in our forests, for expanding community involvement in forestry decisions, for protecting the diversity of crown forests and for sustaining forest industries.

We agree with the goals the EA board set out for improving forest management. In fact, we have begun work over the past two years on many of the ideas in the board's decision. Through the new act, we will move beyond what the board calls for and develop an even better set of forest management practices. That is a commitment we are making by moving to pass the Crown Forest Sustainability Act.

Good forest renewal must be well planned. With this act, we will be making good forest management the law. People who operate in our forests will not be able to shirk the responsibilities to plan their activities so that the sustainability of our forests can be assured.

Good forest planning and good forest practices mean looking at the whole forest and not just looking at forests as a timber crop. Again, I go back to the Diversity report and our policy framework. They tell us to look at our forests as ecosystems, and we will. Forest managers will be required to ensure that the forest operations they plan have regard for water, wildlife, fisheries, vegetation and the heritage values of forest ecosystems.

Good forest planning means implementing improved standards for forest renewal and requiring that renewal be planned before harvest. We will do this. The requirement that renewal be planned before harvest is a significant step forward in forest management planning. This is how to plan forest operations so that we maintain diversity in our forests.

We have taken another significant step. This act requires that a management plan clearly provide for the sustainability of a crown forest and have regard for plant life, animal life, water, soil, air and social and economic

values, including recreation values and heritage values. The act says clearly that the minister shall not approve a forest management plan unless he or she is satisfied it provides for the sustainability of the whole forest and, if there isn't an approved plan, then a forest company would not be allowed to operate in the forest.

The planning activity that is so central to the act and to good forest management will be guided by manuals that set out acceptable approaches for forest operations. We will develop these manuals in consultation with the forest industry, environmental groups and others interested in the future of our forest. These manuals will guide planning and will have the force of law.

I'm sure members will have noted that the act itself is enabling. It is not proscriptive; it does not spell out every facet of forest management. We have taken this approach quite deliberately. We want the flexibility that this approach provides for improving forest operations as we learn more about managing on an ecosystem basis. We want the flexibility to use new technologies and to react to new information. We deliberately stayed away from a cookbook approach to forest management. That concept is too limiting, too open to becoming stuck in the past when new information points in a different direction.

We also wanted flexibility because Ontario's forests are not a single ecosystem. We have a range of forest types—deciduous, Great Lake, St Lawrence and boreal—and we have great diversity within those forest types and so we need to be able to manage all of those forests appropriately.

I have mentioned that we want to be able to make use of new information about our forests. With this act, forest companies will provide more detailed information about the forests they manage. Such information is essential if we are to continually improve forest management.

To return for a moment to the initiatives we are building upon, we commissioned an audit by an independent committee looking at the success or failure of regeneration of the boreal forest. The boreal forest of northern Ontario is where much of the large-scale forest activity, harvesting and renewal, goes on in this province. In our view, it was time for an independent accounting, so the audit was undertaken to look at the status of regeneration in the boreal forest between 1970 and 1985.

The committee noted that a general, apparently widely held impression that the boreal forest is being deforested is erroneous. In fact, the audit found that 96% of the boreal forest has been regenerated, but that the species mix in the new forest is different from the old forest.

The conclusion is that Ontario's forests are being renewed. We are maintaining our vast forest land base. That is not to say we cannot do better. The independent audit did note some concerns.

The most significant was that areas of the boreal forest that were predominantly black spruce before harvesting were being converted through reforestation to forests of mixed species. Black spruce is coming back, but in a lower percentage than in the original forest cover.

We have paid attention to the concerns of the audit. One of our responses and one of our commitments to

improve is the new act. It will provide essential tools for addressing the concerns of the audit.

The independent audit also made another significant observation; a recommendation, really. The committee said, in its fourth recommendation, that assurance for funding of silvicultural operations should be in place prior to harvest. The committee said uncertainty about funding for forest renewal is a long-standing concern. It said that before harvesting is conducted, forest managers should know what funds will be available to reforest the areas they are cutting.

We have heard those concerns loud and clear, and we are responding. We are responding because people have concerns about our forests and about the way they are managed.

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First among those concerns is a fear that our forests are not being renewed. We have seen from the audit report that this is not the case, but still people feel that we may be squandering the riches of our forests. We need to be able to reassure people about reforestation.

We also need to do better in renewing our forests. We must be able to fully renew every hectare of crown forest that is harvested in the province. This renewal must be done to new and higher standards.

This kind of renewal needs to be balanced, with the right mixture of natural regeneration and planting. It should be undertaken by forest industries so that they can bring to forest renewal the long-term efficiencies available to them.

This kind of full renewal will require dedicated funding. As the independent audit committee said, forest managers must know renewal funds are available before they ever start harvesting.

Through this act, we will ensure the renewal of Ontario's forests will be done to higher standards. Perhaps even more importantly, through this act we will provide mechanisms for greater and more stable funding for reforestation than ever before.

We are committed to making sure our forests are renewed. This act will guarantee that every hectare of forest on crown land that is harvested in this province is also renewed to new and higher standards.

In order to guarantee that sufficient funding is always available for forest renewal, we will set up a forest renewal trust fund with Ontario's forest industries. This renewal trust fund will ensure that there is always enough funding available to fully renew crown forest areas that have been harvested.

The renewal trust fund will be funded with dedicated money from a new stumpage system that we will establish. The crown will also dedicate money to the trust fund so that it too meets its obligations to renew our forests.

Through the renewal trust fund mechanism, we will guarantee greater funding and more stable funding for regeneration of harvest areas of crown forests than ever before.

We will also establish a second trust fund, the forestry futures trust fund, to ensure that money is always avail-

able to pay for renewal of forests that have been killed or damaged by wildfire, insects or other natural causes. This fund will also provide the money to renew areas that have been harvested by a company that goes out of business.

Not only must we commit ourselves in this province to improving forest practices in Ontario, we must also be accountable. We must be able to demonstrate to Ontarians and to the world that our forests are sustainably managed.

We want to continue selling Ontario forest products around the globe. By being able to demonstrate that those forest products come from sustainably managed forests, we will keep our export markets open for our forest industries and communities and encourage investment in Ontario.

The new act enables us to implement a number of things that will make the government and forest industries more accountable. We will be setting up local citizens' committees to enhance cooperation between local communities and forest industries. Local committees will involve people more in developing forest management plans, in helping to set local objectives for reforestation and for ecosystem objectives, and in helping to resolve local conflicts over resource use.

Through the act, we will also provide that independent audits are undertaken to review the performance of government and forest industries. These audits will be done regularly and will be made public. The people of this province will have the chance to judge for themselves how well their forests are being managed.

The Minister of Natural Resources will be reporting on the state of the forest to this Legislature.

Another element of accountability is enforcement. Those who operate in our forests must be accountable for their actions and operations. Our legislation will enable us to put in place strong enforcement procedures to make sure forest operations are carried out properly.

There will be significant penalties for those who fail to comply. Our current forest legislation, the Crown Timber Act, is limiting in its approach. It allows us to slap on the wrist or to close down a mill, but nothing in between.

This new legislation provides a much wider range of options so that penalties can fit the problem and repeated problems can be dealt with more seriously.

There will be administrative penalties ranging from \$2,000 for a minor violation, up to \$15,000. For more serious offences, the courts will be able to impose fines from \$10,000 up to \$1 million. The fine of \$1 million would apply to anyone who refuses to comply with an order under the act to stop operations that are causing or are likely to cause loss or damage that impairs the sustainability of the crown forest.

The ability under the act to issue a stop-work order for operations causing environmental damage is another feature of this legislation. I have said we are serious about ensuring the sustainability of our forests, and this section is another example of that. In addition, we will be able to order anyone who causes environmental damage to repair the damage and prevent further damage. That person will also be responsible for paying all the costs of

this work. Costs of this nature can be substantial.

I don't want to leave the impression, however, that I think we need to take a hard line with the forest industry in the province. On the contrary, I think that too often the forest industry is unfairly criticized. It is accused of not being concerned about the future of our forests. That is unfair. I believe Ontario's forest industries are willing to become involved in improving forest practices. This new legislation will provide the guidance all of us need to improve the way we conduct forestry.

We are also involved in negotiations with forest industries on a new business relationship. Among other things, these negotiations will help provide, through the renewal trust fund, the stable funding we want for forest renewal. The new act will put the tools in place to make the new business relationship a reality.

In taking the opportunity today to highlight some of the recent accomplishments of the Ministry of Natural Resources and our government, I would like to note that it has also given me great pleasure to have been able to announce over the past few months our significant initiatives on natural heritage protection.

The new act has to be viewed in the context of our overall approach to the forests, forest ecosystems and natural heritage. We have launched our Keep it Wild campaign to promote the protection of more of our province's rich natural diversity and remaining wild areas. Over the past century, this province has created a magnificent system of provincial parks. We must build on the work of the past and complete the task.

Through Keep it Wild, we will complete a system of parks and protected areas by the year 2000. This campaign is one way of ensuring that we maintain Ontario's rich natural diversity for future generations. It is also a way for Ontario to contribute to global efforts to protect natural heritage areas.

When the federal government, along with 159 other nations, signed the United Nations Convention on Biological Diversity at the Earth Summit in Rio in 1992, we supported that initiative. The convention includes a pledge to establish more protected areas and develop new ways of establishing and managing these areas. We are moving forward on this. We have undertaken consultations with the public on 17 new Keep it Wild areas that we propose for protection. These areas include a remarkable variety of natural features.

We will also soon be consulting the public on the protection of old-growth red and white pine sites. Protection of old growth is another element of the Keep it Wild campaign. I have already announced that we are making progress on old growth. For example, we have identified 41 old-growth red and white pine sites of varying size that are not currently allocated for timber production. We think that many of these sites can be permanently protected. We will be discussing these sites with the public very soon.

We are also going to develop a red and white pine renewal strategy. Through such a strategy, natural regeneration techniques, tree planting and other efforts will be used to restore red and white pine forests for both

biological and economic reasons. The new act will support these efforts to restore red and white pine.

In any discussion on ensuring forest sustainability, I think there is another reality that we must never lose sight of; that is, the importance of forest industries to the people of this province. More than 200,000 jobs in Ontario are tied to the province's forest industries, in logging and in production of lumber, pulp and paper and other products. It may surprise people to learn that more than 80,000 of these jobs, 40% in fact, are in southern Ontario. Forest industries are important province-wide, although most important in northern Ontario. Nearly 50 communities in northern Ontario depend for their economic health on forest industries. Those 200,000-plus jobs produce nearly \$12 billion in forest products for our economy.

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That may sound like just a series of statistics to some, but to people like me who come from forest communities, those statistics are attached to real people. They are people who want to be productive, who want to provide for their families and who want to prosper with their neighbours. They are people who want to be part of our forest industries. For those people, we need forest practices that will sustain forest industries, sustain our forest communities and sustain their jobs.

A good illustration of the commitment of this government to forest communities was our decision to establish the Forest Industry Action Group. The action group produced a report that sets out recommendations that will help ensure a prosperous future for Ontario's forest products industries. The report, *Hard Choices—Bright Prospects*, was produced by a steering committee that represented a strategic alliance of government, industry and labour in the forest industry.

I think it is significant to note that forest sustainability was a key element of the discussions. The vision statement of the steering committee says, "Within a framework of resource sustainability and maintenance of ecosystem integrity, Ontario will rebuild and sustain a globally competitive forest products industry that strengthens the economy of the province while providing stability and employment to the communities within which it operates." Once again, the key ideas of resource sustainability and maintaining ecosystem integrity are at the forefront, and those ideas are at the forefront of the announcements I have made in the past few months about encouraging new forest mills.

We have identified a sustainable supply of some four million cubic metres of underutilized hardwoods in northern Ontario that are available for immediate development. I have called for proposals from companies that want to operate in northwestern and northeastern Ontario. We have had an enthusiastic response. We are developing these projects, but the potential for economic growth is significant. We should be able to create more than 1,500 new jobs and encourage investment of tens of millions of dollars. New mills or additions to existing mills will be developed for high value added products such as oriented strandboard, medium-density fibreboard, veneer and other products.

I have been able to announce a new mill for Thunder Bay. We have made a commitment of a conditional wood supply to Buchanan Forest Products so the company can develop a detailed business plan and arrange financing. That mill will be a hardwood specialty sawmill. It will create 189 new jobs and cost about \$29 million.

I've also been able to announce that H. Jager Developments Inc is making progress on a new mill for the Wawa area. It plans to build a new mill to produce oriented strandboard. The capital cost could be as high as \$90 million, and the enterprise could create more than 380 jobs in the mill, logging and transportation.

It gives me great pleasure to be able to discuss these economic initiatives. They are good for forest communities, for our economy and, most of all, for our forests. They will be developed using sustainable supplies of hardwoods that have been underutilized until now.

The new act will help us improve the management of those important supplies of wood, using the standards or the new legislation and within the context of our commitment to forest sustainability. The need for this legislation is clear and it is great. This act is a cornerstone for our overall strategy for forest sustainability, natural heritage protection and economic development.

I have said this before, but it bears repeating: Our government's sustainable forestry agenda, including this new act, is crucial to the future economic health of communities and people who depend on forest industries and is vital to the long-term health of our forest ecosystems. I look forward to the support of all members for Bill 171.

The Deputy Speaker (Mr Gilles E. Morin): Questions or comments?

Mr Len Wood (Cochrane North): I'd just like to take a few seconds to congratulate our Minister of Natural Resources for the last half-hour or so in which he laid out what's in Bill 171, which is going to protect a lot of jobs throughout Ontario, especially northeastern and northwestern Ontario, and create jobs.

I'm sure all three political parties are going to take to heart the comments he has made and work very hard to make sure that, as the minister has said, Bill 171 becomes a reality. It's something to be proud of worldwide that Ontario is taking the lead to protect what we have out there in the crown forests and protect it into the future and make all the taxpayers and residents of Ontario proud of what Ontario is doing, protecting jobs and creating jobs right across this province. I'm going to be listening very intently to the comments the members of the other two parties have.

I found very interesting the opening remarks of our Minister of Natural Resources in kicking off second reading debate of this, and I'm looking forward to listening to the other part of the debate.

The Deputy Speaker: Further questions, further comments? If not, Minister, if you wish to reply, you have another two minutes. No. Any further debate?

Mr Michael A. Brown (Algoma-Manitoulin): I'm pleased to rise today to contribute to this debate. I would point out to members that this is the first bill from the

Ministry of Natural Resources that has come before this Parliament in the last four years.

Just so people understand—and it's important, because Ontarians don't understand, I don't believe, at least those Ontario who don't have the privilege of living in northern Ontario—we're talking about the fact that about 85% of the land base of the province is under the administration of the Ministry of Natural Resources. Often in northern Ontario the Ministry of Natural Resources is called the imperial authority of northern Ontario.

When we come to a bill that affects forestry, talks about forestry, it gets the attention of people in northern Ontario, because northern Ontario depends on its forests for a great number of activities. I think of the northern Ontario tourist outfitters. I think of the naturalists who use the crown land. I think of the forest industry, obviously, and pulp and paper. I think of the lumbermen. I think of the hunters and anglers who use the crown land. I think of the people who camp on the crown land and hike, the cottagers who own land among the crown land or have land-lease permits. I think of the first nations. I think of conservationists. I think of the trappers. I probably omitted some groups who use our forests, but myriad people not only make their living in our forests but recreate in our forests.

As we approach this bill, we have to understand what the minister is saying and we have to understand that the use of our forests for the benefit of all Ontarians is tremendously important.

Aside from the millions and millions of dollars generated by hunting and angling activities in our forests, aside from the money that our tourist operators make, one of the major contributors to the economy of northern Ontario is the forest industry.

To give you some idea about how important it is to Ontario, there are about 50 forest-dependent communities, I think the minister said, communities that depend on forestry for their livelihood, for making a living. Forest-related businesses: There are 500 logging businesses in this province, 850 wood industries, 350 paper and allied industries. Direct employment: The figures I have are that 63,600 people in this province are employed directly in the forest industry. The indirect employment is about 127,000 people; payrolls in the \$2.5-billion to \$3-billion area; value of production in the \$10-billion to \$12-billion area; value of exports is about \$4 billion, for a net contribution to our balance of trade of over \$2 billion. So our forests are tremendously important to Ontario.

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When the minister comes with a bill about forest sustainability, people in the Liberal Party are very interested in what he has to say. I've listened to his speech very carefully, and unfortunately the words of the bill and what the minister's been saying are not the same, in that—and the minister readily admits that what we have is a shell here—this bill permits a lot of things but it doesn't demand much.

We will not know what this bill really intends until we see the regulations, until we see the manuals, and on this side of the House that is very important. I think the

minister and I probably agree on this, and this is the right approach, but it's very difficult for someone in opposition or someone in one of the various groups that are interested in this bill to say: "Wow, I think this is great," or, "Gee whiz, I've got a problem with this." The reason is that what we've got is a shell of a bill, a bill that enables things to be done, but we don't know what it enables.

What our party would hope that the minister would consider, as we go through the discussion of this bill, is that there be extensive public hearings in the crown land areas of the province where people are most affected, and that the manuals and the regulations are available before the committee starts, and hopefully that they're available with enough lead time that we can actually have a look at them and get input from the various interest groups so that when we go out to talk about what this bill really means we'll know what we're talking about. Without that, all the good things the minister says are a little bit suspect because we haven't really been able to understand what the regulations and the manual talk about.

I see the minister has nodded over there, so I guess we're going to have the extensive public hearings across northern Ontario and we're going to have the manuals and the regulations before we attempt to do that. That's all good news, and I look forward to the process.

Again, over here we're a little confused as the minister talks about the government's wonderful record on forest regeneration. Maybe people can help me. I have a press release from 1990 where someone named Floyd Laughren, who might be the Deputy Premier now or who might be the Treasurer, condemns the former Liberal government for not planting enough trees in our forests. I have another press release where Mr Hampton, the present minister, and Mr Wildman, the Minister of Environment and Energy, also condemn the former government for not planting enough trees in Ontario.

The fact is, this government is now planting about 30 million fewer trees in the forests of Ontario. Besides that huge reduction in the amount of reforestation that's going on, they have also decided that they only need to tend about half of the hectareage that they once tended.

That's surprising, given the fact that the government of Ontario, in its wisdom, has doubled the area fees. It now costs you twice as much to rent the land as it did just four years ago. Stumpage fees have increased radically, and that has caused great consternation, given the government's cutback in the activities it was involved in just four years ago in the forests of Ontario.

So we have the government grabbing revenue in the forests of Ontario and, at the same time, decreasing its commitment to reforestation, to silviculture, to good forest management.

That is a concern of ours and it should be a concern to all people in the province of Ontario, because the environmental assessment process that we just completed and the minister alluded to has pointed out that it's not possible for Ontario to continue on this way. In other words, we should be planting more trees; we should be doing more tending; we should be doing more reforestation. That's what the environmental assessment says.

The minister says, "Yes, but with this new trust scheme we will be renewing more and we will have stable amounts of money to do it." But when we look in the estimates book, we find out that the number associated with silviculture in the present estimate I think is \$112 million, and he's saying that \$100 million will be generated by the trust fund. Automatically, we're down \$12 million in activity in Ontario's forests. I don't know how that addition works.

The people in the forest industry, the people who will actually pay the stumpage fees, know how that will work. They think the stumpage fees are going to go up remarkably. It will be them paying for more of what the government used to do in return for the stumpage. Maybe that's all well and good; I don't know. But I think the minister should come straight forward and say, "Look, you're going to pay for it all." But if that's the case, then we wonder why the ministry is then collecting fees above and beyond that.

We understand from the regime, and we can only do this from understanding because there is nothing on paper as far as how this stumpage regime will work, that there's a fee that will come off. The first part of the fee goes directly to the ministry. The second part of the fee then goes into the trust fund. The third part of the fee is something called "residual value" or whatever, an escalating amount of money depending on the price of the marketplace that then goes directly into the pockets of the Treasurer: not the Minister of Natural Resources, not the trust fund, but directly into the pockets of the Treasurer for general revenues.

I find that to be a little passing strange. We know there's much regeneration work that could be done in Ontario's forests. I would wonder why in a time when there's great opportunity, when markets are strong to generate capital, you wouldn't put that also in the trust fund for times when markets are soft; for example, during the recent recession. We cut the number of trees that were planted. We didn't; the NDP government did. That's what happened in the forest. We cut the amount of tending. Why did we do that? Forest product prices were down. There were all these economic factors.

The minister says we can't afford to plant trees in the forest; we can't do it any more. If there was a fund that included that residual profit, we could have done a lot of those things, and there could have been more employment in northern Ontario. There could have been better forests for our children and better forests for our grandchildren if the funds were dedicated to the forest trust. I have some difficulty speaking to that because the ability to raise the stumpage fees was passed in a different bill, in an omnibus budget bill, Bill 160, that isn't even part and parcel of this bill.

I think we should understand, though, what this particular bill does speak to. It is, as I said, a shell or a framework through which the rules governing forest management in Ontario will apply. Currently, the government has not completed the forest manuals. Therefore, it is really difficult to understand exactly how we're going to make a judgement at this point in the debate.

We are a little unclear, and the minister may be able to

help us in his reply, as to what kind of input is being given into compiling these manuals at this time. We are told by several groups that they don't have the resources to consult with the ministry and fear that they are being shut out of a process of looking at the draft manuals and being able to make pertinent input into the system.

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The second real question we have about this act is the forest ecosystem. "Forest ecosystem" is nice. Everybody agrees that's what we want to do, but I don't know where, in this act or where, "ecosystem" is defined. I think it's a legitimate question to ask the minister what ecosystem we are attempting to maintain or sustain. Is it the one that existed in Ontario's forests 100 years ago? Is it the one that existed in Ontario's forests 20 years ago? Is it the one that exists in Ontario's forests today? Is it the one that we wish would exist in Ontario's forests 20 years from now?

The policy decisions around those kinds of questions are very important. You would do much different things in the forest if you were attempting to get somewhere in the future. If you were to decide that Ontario's pulp mills needed a certain percentage of black spruce 70 years from now, then that would be the ecosystem we would be aiming at, and we would be aiming at the wildlife habitat etc that goes around that spruce forest.

The minister would know, as a fellow northerner, that our forests are always changing, particularly in the northern boreal forests. We're talking about a fire-regulated forest, a forest that if it wasn't for human intervention would be changing constantly. We put out forest fires these days, we manage the forest, and so a lot of the natural regeneration that would occur because of forest fires doesn't occur. So we have a lot of questions, Minister, as we go through this debate and try to understand what you're talking about.

I have had some input from the Federation of Ontario Naturalists. They're concerned with how you define "sustainability." They're concerned that there's nowhere in this act that you actually define the concept. What is it that you're talking about? We throw these words around, "sustainability," "ecosystem," that sound fine, everybody's warm and fuzzy, but we have no idea what the minister is really talking about. Their concern is just strictly that they don't understand what you're talking about. We would hope that the minister, before we get to the committee stage, will be able to help us with that, as he will be able to help us with the ecosystem that he is trying to either maintain or sustain.

We have other concerns. We have concerns that there are apparent conflicts in the wording of this act with the timber EA, especially with respect to the terms of reference. We are concerned with the content of the manuals, as I said, especially looking at forest operations, silviculture planning, information and scaling.

I don't know if it would be useful, I guess we can do this at committee, but the forest industry has supplied me with a whole series of technical questions that surround things such as there's no evergreen clause in this bill.

Most members would be familiar with the forest

management agreements and their renewal system, and according to the way the bill presently reads, there's no ability to know that five years from now or 10 years from now you will still be managing the forest. As the bill's principle appears to be that the private sector will be managing the forests under the regulation of the ministry, under the supervision of the ministry and under a final audit from the ministry to see that it actually happens, we find that it would be very difficult for anyone in the private sector to know that they had tenure at the end of the period. So that's another concern I want to bring to the minister now, and certainly that we'll be looking at talking about during the committee hearings.

I'm really quite concerned about the government's approach because about two years ago the former minister decided that the way to achieve full regeneration of Ontario's forests was to do nothing. He was in favour of natural regeneration. Natural regeneration means you don't do anything. Natural regeneration means the forest grows. That was an excuse. That's really what it was, and I said it at the time. It was an excuse for the minister to cut back the spending on silviculture dramatically.

I'm not sure what this minister is saying about his former forest renewal program to achieve full regeneration of Ontario's forests, because it was just a rationalization of bad forest policy. It was an explanation of why this government felt that Ontario's forests really weren't worth spending much money on.

As the minister stands up to reply, I'm sure he will explain to me why they have shut down a number of nurseries, why they have cut back the number of tree seedlings they've purchased from the private sector, and why just two years ago the government decided to mulch 11 million seedlings. They decided actually to take the seedlings they contracted for, and it was cheaper for the government, they said, and better for the environment to take the 11 million seedlings, and instead of planting them in Ontario's forests, to mulch them. It was the most expensive organic fertilizer I think anyone could find. Maybe the minister could tell us if it actually ever got spread in the forests. It was sure spread everywhere else.

I could speak for quite a while longer, but as you can see, we are at somewhat of a disadvantage in that we're speaking to a bill that really doesn't say anything and won't say anything until we see the regs and the manuals. I want to repeat and repeat that, because it's making it very difficult for the opposition to be able to speak intelligently to this bill, other than we suspect it may be a gigantic tax grab.

We suspect that in the end Ontario's forests may be worse off than they were before the bill was presented. We are hoping that is not the case, but the proof will be in the manuals and in the regulations. That will be a time when the opposition will have an opportunity to speak slightly more intelligently about this piece of legislation.

Mr Ron Eddy (Brant-Haldimand): I welcome the opportunity to first of all thank the member for Algoma-Manitoulin for expressing the concerns about this bill to the House. It's very important that we know about the concerns and the problems, because I well realize the importance of the forestry industry to the north from

frequent discussions with him on a matter on which he is so knowledgeable. Certainly, the fact that the regulations and the manuals are not available at this time, especially with this bill in particular, because it provides for those things, is a great concern. We are all looking forward to having the advantage of knowing what is in regulations and in the manuals.

The other item the member has expressed is looking forward to extensive hearings on the bill. I agree with that completely and hope that we have extensive hearings through the north so that all of those affected in any way by this bill will have a full opportunity to give their views and comments regarding the bill, and the regulations and the manual of course.

1840

Hon Mr Hampton: I'll use the two minutes to respond to some of the issues raised in my colleague the member for Algoma-Manitoulin's speech.

First of all, he brought up the issue of public hearings, and I want to say to him that I too favour holding public hearings, not just here at Queen's Park but elsewhere in the province, in the northwest, the northeast and in central Ontario. Hopefully, in the next few days we'll be able to entertain with him and with the colleague for the Conservative Party some proposals for how those public hearings could be conducted. But I too very much want to see those hearings.

I want to thank the member for some of the questions he raised, because I think they give eloquent evidence as to the need for a forest renewal trust fund. He will know from his days when his party was the government here that the Ministry of Natural Resources has to go before treasury board and battle it out with all the other ministries for funding, and you do not know until the last seconds before the budget how much money you're going to get for forest renewal.

It may be that in a given year there are requests for more schools or requests for more hospitals, or maybe there is a request for a new major highway in the province, and he will know, because he sat over here, that forest renewal funding, which is dynamic funding that may take 200 years to show the results of that funding, often takes second place to something for which you can show the results a year later or two years later, in a brand-new hospital or a brand-new school. So he has given eloquent argument for a forest renewal trust fund, something that will assure that we have the funding available year in, year out on a predictable basis to renew our forests.

The Deputy Speaker: The member for Algoma-Manitoulin, you have two minutes.

Mr Brown: Minister, thank you for your comments. I'm of course in favour of the trust fund. That goes without saying. I'm just wondering why it was your government's choice, as you went before Management Board and treasury board, why the choices were always the forest loses, the hospital wins, or the forest loses, the road wins; how it was that your government, which is spending about 20% more than any government in the history of this province, couldn't find the money to plant

trees. If a trust fund helps, that's great. Unfortunately for the province, we've had four years of a government's mandate that has cost our forests and our future investment in our forests a great deal.

But I'm disturbed by the fact that the minister seems to be happy with reducing the amount of money spent on silviculture in this province again in the trust fund.

I'm also concerned with what's happening today. It is far less activity than was generated just four years ago. We have gone backwards in terms of silviculture; we have gone backwards in terms of regeneration; we have just plain gone backwards.

For the minister to say, "Well, gee whiz, I don't want to go in front of treasury board, because I always lose," is not a very acceptable answer to me. I think a good Minister of Natural Resources and a good Ministry of Natural Resources, in a government that's spending 20% more money than it used to spend, would spend it. He would be able to get his share. Instead he put the northern economy at risk, he put northern jobs at risk and he put our children's future at risk in this province, and I don't think anybody would find that acceptable.

I do thank the minister, however, for his commitment to public hearings. I would like to see those public hearings not only in the big centres of northern Ontario but out where the real people work. I want to see them in Espanola, I want to see them in Dryden, I want to see them in Fort Frances, I want to see them in Kenora, I want to see them at Terrace Bay.

The Deputy Speaker: Any further debate?

Mr Chris Hodgson (Victoria-Haliburton): I believe this is my time to comment on behalf of the Progressive Conservative Party of Ontario in regard to Bill 191, the Crown Forest Sustainability Act, 1994. Is that correct?

Hon Mr Hampton: Bill 171; 191 is the amount of money we're going to have in the trust fund.

Mr Hodgson: Oh. Like I said, I'm pleased to join this debate. I'd like to state up front that as the minister outlined, I fully support the intent of the legislation, to ensure that forestry in Ontario is sustainable, whatever that should mean. Also, as will become clear from my comments, you'll notice I have some concerns about the implementation of this legislation and the ability for it to live up to its stated goals.

The bill seeks to promote sustainability in two ways: sustainability of the forests, the whole forest ecosystem and the future needs in the timber component; and sustainability of the communities or the people who earn their living from the forest economy. As was mentioned by my friend the member for Algoma-Manitoulin, this act covers a huge area of our province. A lot of people derive their living from it in terms of multi-use of the forest in terms of hunters, tourism, naturalists and forestry in itself, the timber industry. I won't go through the long list that he outlined, because he did a more eloquent job than I. But I would like to comment on the sustainability aspect.

We have a problem with global buyers, primarily from Europe, the United Kingdom and Germany, that demand that forest product producers conduct their operations in

a sustainable manner. It's incumbent upon governments within Canada to prove to these buyers that we are in fact sustainable and that the forest product coming off and going to these markets is sustainable.

We have a problem in Canada in that we have different practices in different provinces in different forests at different rates of regeneration and with different species. Global buyers find it very difficult to distinguish between timber from Ontario and timber from BC. They see that it's made in Canada. If a problem exists in one part of the country, it can jeopardize the industry throughout the nation.

This is a problem that might seem minor, but it takes a great deal of salesmanship and education on the part of the Ontario government. I applaud this government for its role in getting the message out that our forests are different and that we're trying to make our forests sustainable. In this respect, I think Bill 171 deserves some praise.

The aspect of the bill that there will be an audit and report to the Legislature so it's open, so everybody can have a look and say, "Yes, Ontario's wood products are from sustainable forests," is also applaudable. But the problem is that if we don't follow through on this, it will soon get so that the lipservice, telling the world that our forest products coming from Ontario are sustainable—if the reality doesn't match the rhetoric, we will destroy the credibility of products coming from this province for years to come. So I think it's important that when we implement this bill, we implement it right.

I'm glad to hear the minister is entertaining and going to insist upon public hearings throughout the province, not just here at Queen's Park but throughout communities all across the province, and particularly in northern and central Ontario, where the majority of the crown land is located. As mentioned, these meetings should be open to the public and also held at hours that are convenient to the people who work in this industry. We shouldn't run it on Queen's Park time. A lot of the people who are affected by this legislation work very long hours during the day, and these meetings should take place in their communities and at night when they are available.

The aspect of sustainability, being for the community and also for the forests and the products coming out of the forests, reconciles a couple of concerns. One, we've got to prove to the international markets that we're doing this, and so the substance has to match the rhetoric. Also, I think this act combines the Carman exercise for getting the industry involved more in the production of crown lands and it also combines the environmental assessment that was carried out on the Ministry of Natural Resources in respect to timber production on crown lands.

It's a bill that replaces the old Crown Timber Act of 1952, which was amended about 12 times. It was long overdue that we replace this act. As was mentioned earlier, it's the first major piece of legislation to come out of the Ministry of Natural Resources in over four years.

We have to be very careful, though, that what we are doing in this act matches what we're saying it's going to do. If we're saying that all products produced in Ontario in wood are from sustainable forests, then we should

ensure that's the case. If it isn't, we ruin the market potential for future generations, for people who are dependent upon the jobs related to the forest industry.

1850

I'll just use an example. I believe that this whole exercise is premised on the fact that we can get 20 million cubic metres of wood per year from crown land. To keep the industry sustainable at the present level, it's estimated we need 25 million cubic metres of wood. Five million of these cubic metres come from private lands, or 20% of the wood products coming out of Ontario come from private lands. If the boast of this government's going to be that all products to foreign markets are from sustainable forests, then we should, at the same time we're looking after the crown land, take a look at the private forest lands that produce 20% of the wood.

A regional species breakdown tells a more significant story. In the deciduous forests of south-central Ontario, the ratio has reached 40% of the private lands. I have the honour of representing one of those ridings that produces a great amount of this wood in the deciduous forests of central Ontario. In Victoria-Haliburton, it's one of the major components of our economy. Traditionally, it's provided the wealth and the opportunities for a large number of our residents.

The hardwoods of this region are some of the most commercially viable and valuable in the whole province of Ontario, and these are shipped, as a finished product or as a raw product, to markets around the world.

There's no consideration in this bill or any announcements from the ministry about the huge tracts of privately held land in the south-central region. As I've mentioned before in this House on several occasions, the property tax system in Ontario neglects our private forests. It was a mistake that was made back in the early 1970s. They were assessed as residential property and not assessed as forest lands, or they could have been assessed at a much lower rate as, say, farm land.

This inequity was addressed for many years by utilizing the forest tax rebate program, and more recently, as it got improved, the managed forest tax rebate program. But last year, this government completely removed the managed forest tax rebate program, leaving many forest owners with huge property tax bills and no way to pay for them except to cut the trees off their land. And if you cut the trees off your land, the economic incentive now is to plant corn or do something different than growing trees on it.

It totally negates the idea that we're going to tell the world that all the products coming out of Ontario are from sustainable forests. If the financial incentive is to cut off your trees and not replace them on the private lands, that's five million cubic feet built into this sustainable model that we're telling the world about. I understand the Premier is going to go to Germany in a couple of weeks and showcase this achievement of Bill 171 and indicate that all products out of Ontario will be from sustainable forests to ensure that we keep our markets open in this European climate.

I think for the amount of money that was saved by

cancelling the managed forest tax rebate—it's not just a question of throwing money at it. The managed forest tax rebate had been improved over the years so that there were actual plans by professional foresters that had to be implemented on this land to show that if you're going to get some rebate on your taxes to make up for the mistake that was made back in the early 1970s on the assessment, then you had to show that there were going to be jobs and trees available in 20 years' or 30 years' time.

Also, the private forests have been a major part of the economy in central and northern Ontario. The Ministry of Culture, Tourism and Recreation's initiative to build snowmobile trails that link from one end of Ontario to the other utilized private forest lands. In fact, most of the trails that are linked between crown land and one city here and one city there go through a combination of private lands and crown lands. By cancelling the managed forest tax rebate, we have people in our area who are cancelling the use of these trails across their land. It's like cutting out huge chunks of a rail line.

The whole \$14-million expenditure, for which I praised the government for recognizing snowmobiling as a major part of tourism in this province, will be for naught for the sake of less than \$1.7 million by the government's own numbers. It's a pittance when you take into account that part of my riding is not under the conservation authorities. Areas that have conservation authorities get the rebate for areas of natural significance or for areas that MNR or the local conservation authorities deem have a provincial interest.

I've mentioned that before and I think that the rhetoric should match the substance of the Ontario government's policy on wood coming out of the province. If we're going to go to Great Britain and Germany and state that all wood coming out of Ontario is from sustainable products, that we're unique in Canada, that we're taking the leadership role, yet when they look at the fine print and realize that only covers 80% of the wood coming out, that 20% is produced from private forest lands and that's the contingency of the sustainability model, and we're eroding that 20%—so if you're going to keep 25 million cubic metres, and that employs the people in the communities in the north and all the sawmills, if in 10 years you can only get four million cubic metres from the private lands, then you're going to have to make that up from the crown lands, and eventually you've toppled the whole model.

I'd also like to state that, as I mentioned before, really Bill 171 is enabling legislation. The details are provided for in the manuals, and I've been assured that they're going to be released later on this summer, hopefully with lots of advance notice before the hearings that have been announced. As I mentioned before, the manuals will contain the nuts and bolts of how the regulations will be implemented in different forest management areas. I look forward to going over those in detail and talking to people and going to the communities that are going to be affected. We'll hold our endorsement for this legislation until we've had a chance to review the manuals in detail and go through the public hearings, but the overall goals are basically motherhood statements, and I think every-

body agrees with those. The consultation part of the bill, the local citizens' committees: We have some questions that I hope will be addressed. How will they be formed? Can they be taken over by special interests from outside the affected communities? I believe the minister was asked this at the local press conference when he announced the bill a few weeks back, and I'm sure there will be more details provided. At what point do the interests of the people surpass or supersede those of the forests? I think that's what the member for Algoma-Manitoulin was referring to earlier: What's the definition of sustainable forests? What's the definition of ecosystem-based forest planning? What takes precedence? Is it this group's definition of what's most important in the forest or is it that group's? There have to be some definitions in how the process would work.

I would hope that this public consultation will be an exchange of information and ideas, and not like the consultation process that went along with the Keep it Wild campaign, where we saw people learning about the proposed changes after the fact. I only need to refer to the Charleston Lake experience. The member for Leeds-Grenville has spoken on that and had to deal with many of his constituents about the fact that they were promised multi-use of these areas, and now they find that some traditional uses have been cancelled, after the fact.

Also in my own riding—this is a little outside of crown lands, but when you talk about areas of Algonquin Provincial Park that were never part of the park proper but were added back in 1960 by the Premier of the day, Mr Frost, who was also the representative of that area. Right in the Hansard from 1960 it states that hunting and traditional uses of fishing would be guaranteed in perpetuity in the townships that were formerly private lands held by the township of Dysart et al, of Bruton and Clyde. It states right in the Hansard of the debate that these lands would always be for hunting and fishing and traditional uses, in perpetuity, yet we see the Minister of Natural Resources defining that "perpetuity" means to a cutoff period, when that will no longer be allowed.

We've also seen the harassment of older gentlemen who have hunted at camps in that particular location of Ontario, a very beautiful part of Ontario that I have the pleasure of representing, where they're not allowed to have access through motorized vehicles. They've done this for 50 or 60 years. It's harassment of older people and it goes against the whole intent of when that land was taken over. I hope the Keep it Wild campaign won't follow those precedents.

I've already stated that I look forward to the committee hearings. They must be held throughout the province to get a cross-section of opinion in the communities that are going to be affected. Hopefully, they will not become another game of interest group politics. We want to hear from the jobbers, the sawmillers, the manufacturers who will be most affected. A lot of the people who are affected by this industry, as I've stated before, work long hours, and we should take that into account and not run the committee hearings on Queen's Park time. Have them on weekends or at night, when the people who are actually doing the work, the independents, can express

their opinions, and not just the people who are paid to represent a vested interest group.

1900

The forest resource licences: It is essential to the stability of hundreds of small sawmills and jobbers that they be allowed continued access to their licences. I'm assured that's going to happen. I would like to state that I hope we're cognizant of the fact we can't overregulate these small outfits. In many cases, they're family-run and they're small businesses.

I know that the idea of not producing a cookbook that would go right across the whole province is to enable this legislation to be flexible enough in the manuals to take into account all the independent people and all the jobs that they create in these small communities throughout central and northern Ontario. I look forward to seeing the manuals on that.

The local producers I feel should be given priority over the outside interests to ensure that the whole process from harvesting to production to manufacturing is kept in the areas. I assume that's what the bill speaks to when it talks about sustainability of the local communities. I look forward to seeing how the manuals relate to that.

It also probably doesn't make sense to haul timber three-quarters of the way across the province, bypassing mills along the way, nor does it make sense to have contractors from outside communities come in and take the jobs of local workers. I hope that's what the bill's referring to when it talks about sustainability of the communities.

We also have the border problems with the province of Quebec which will have to be addressed if we're going to talk about the sustainability of the communities and the sawmills in the eastern part of the province.

The forest renewal trust fund and the forestry futures trust: I've looked forward to that for a number of years. I praise the government for bringing it forward. Previous governments didn't have the courage to do it. It's an excellent idea and it assures that funds are dedicated to the reforestation. It eliminates the need for the minister to go hat in hand to the consolidated revenue fund on a yearly basis. It also facilitates the long-term planning within the industry. I think that's essential. If you're going to have long-term planning, you have to have the money there to plant the trees. If you're going to have a contract to cut this area of forest, there should be some assurance that the money's going to be there to actually replant it.

At first glance you might think that there's actually going to be less money spent now than there currently is. There was a \$100-million figure talked about. In fairness to the minister, I think that was in reference to a question asked by the press on approximately how much money will be there. He said that, based on previous years, that was what you could expect.

We intend to hold the minister to his word that the forest renewal trust will continue being supplemented by other revenues and that the money will be there. I'm sure there will be quite a bit of information on that at the committee level. There are two trust funds here. I'm

interested to see how the division of money is going to be done and what it's going to be based on. I'm sure we'll address that at the committee—I see the minister nodding, so that's agreed.

Silviculture: As has been mentioned, quite frankly, this government's record in tree planting has been a disappointment—as was mentioned earlier, the expensive fertilizer program of mulching up the number of trees a couple of years back. Hopefully, this bill is a step away from that kind of forestry.

Logging companies have been willing to comply with the ministry's requirements to replant. Indeed, they could use the jobs, but they've encountered many difficulties in the past. In some years there aren't enough seedlings available, while in other years the government produces too many. When there aren't enough, loggers cannot fulfil their obligations. Hopefully, the trust fund will end up addressing those problems of stabilizing the market.

I would also like to put in a word for the private nurseries in the silviculture industry. Hopefully, what this legislation enables is for the government to set standards and for the private sector to actually grow the trees and to have it contracted out. It provides stability in the private sector and the nursery growers. That would mean, with the trust funds, that the supply can meet the demand over the long term.

The auditing: I think that's a step in the right direction. Like I've mentioned before, the caution is that we're telling the world that the products coming out of Ontario are going to be sustainable. We're going to market that to all the European nations, the Far East. We have to make sure that the actual results meet the rhetoric. The audits will be the check upon that. It doesn't state in the legislation how often; it says from time to time they'll report to the Legislature. I'm sure that'll be addressed at the committee level.

The government sets a framework and then, periodically reporting to the industry and to the Legislature should minimize some of the bureaucracy involved. By having the industry actually do the work and having the government set the standards and audit, and make sure it's done and have appropriate fines if it isn't done, should save some money in the long run that can be freed up for other areas within Natural Resources.

I'd like to see a costing on the minister's projections for future ministry budgets in regard to this exercise, the caution being that we cannot just download the costs of this on to the industry. They have to be compensated in the tenure that's been mentioned earlier. That would probably be the compromise that could be worked out. If they're going to spend money, make sure they have the jobs available in their communities and their industry in the next 20 to 30 years.

The enforcement, I believe, is a step in the right direction. As is mentioned at the outset of the bill, it was all or nothing, and in lots of cases it wasn't worth the ministry's staff time to go out and document it and proceed with the charges to find out that nobody wanted to close the mill down for a minor infraction.

I would like to state that there is a concern out there

that the ministry doesn't have the adequate resources to ensure enforcement is carried out throughout the province. I hope that will be addressed and proven to be false.

Mr Stephen Owens (Scarborough Centre): The Common Sense Revolution will take care of it.

Mr Hodgson: The Common Sense Revolution will take care of it. We'll have enough—

Hon Bud Wildman (Minister of Environment and Energy): It will not.

Mr Hodgson: I see the Minister of Environment and Energy is speaking about the Common Sense Revolution.

Hon Mr Wildman: He wants to increase the staff of the Ministry of Natural Resources, and the Common Sense Revolution will reduce it by 20%.

Mr Hodgson: Actually, agriculture is exempt from the Common Sense Revolution. But in the Ministry of Natural Resources, this bill is actually a step in the right direction towards the Common Sense Revolution. What it does is that government gets out of the business of actually competing with the private sector to produce the seedlings, which requires less ministry dollars and less ministry staff. We set the standards and make sure it happens, and let the private sector deliver, to make sure that goes on. That's the role of government, to set a framework.

Interjection.

Mr Hodgson: That will provide that. It also takes into account some of the recognition of the sustainability, based on the marketing of our products.

Mr Owens: It's like sticking a ReMax sign on Algonquin park.

Mr Hodgson: Actually, it won't be owned, but I won't touch that. Algonquin park is a beautiful part of Ontario, and I've already mentioned the Bruton and Clyde additions as being not part of the park proper but added on in 1960, guaranteeing traditional uses of hunting and fishing in perpetuity, which seems to be redefined under the present government as having put timetables on it to deny people their traditional use.

The politics of this bill: Some say it's an attempt to save face in northern Ontario after failing to live up to so many election promises—the \$100 million for a four-lane on the Trans-Canada Highway, \$400 million for the northern development fund. This was all mentioned in the Agenda for People.

The high taxes and the hydro rates have chased away potential investment and upgrading within all resource sectors, especially forestry. In reality, this bill is an attempt at damage control for rapidly declining forestry regeneration budgets, increasing stumpage fees in a stagnant forest industry because of the financial mismanagement of the government.

Unlike my Liberal colleague who spoke before me, I don't want to dwell on the politics of the issue. I'd love to sooner deal with the issue at hand and be constructive.

I do have a serious concern, though, for the timing of this legislation. My predecessors have been calling for this reform for a number of years. We hope that the manuals will be coming out soon so that we can have the

public hearings and get on with the problem. We applaud the ecosystem approach which is being employed, and we've recognized the importance of our forest, the recreation, tourism, the economy and the jobs, and hopefully this is a step in the right direction to ensuring that all those things can happen.

The consultation, both now and once the bill becomes law, must be meaningful and must include the primary stakeholders. I feel confident that can be achieved. The minister must recognize the importance of the private forests in order to sell the sustainability of our wood products coming out of Ontario to the world, to make sure that 20% doesn't become 15% and then 10%, because that means you're going to have to get more than 20 million cubic metres off of the crown lands. If you take 1% a year more, in 100 years you don't have a sustainable forest. If your forests take 10% a year more, it throws out the idea of sustainability in our crown forests, if we're to protect the communities that need 25 million cubic feet of lumber produced a year.

In conclusion, I look forward to working with the minister and to the committees and the hearings.

1910

Hon Mr Hampton: I have to leave for a few minutes, so I wanted to respond in part to the issues raised by my colleague from the Conservative Party.

First, on the so-called Common Sense Revolution which the member's party is promoting across Ontario, I want him to know that the so-called Common Sense Revolution would call for a 20% cut in the budget of the Ministry of Natural Resources. It would reduce a budget that now stands at \$476 million to \$382 million. That would lead to the layoff of approximately 1,000 people working in the field and would also mean an approximate 10% cut in all of the ministry's budgets, fish and wildlife budgets, as well as the forestry budget. I want him to know that. Perhaps he can bring some common sense into that policy statement by his party.

Some questions have been raised about forest sustainability. I merely want to say this, and this is for the benefit of both critics: If they look at the Policy Framework for Sustainable Forests, under forest sustainability it lists a number of items:

"Forest ecosystems must be kept in good condition and criteria for this condition need to be described and clearly understood by all interests to achieve sustainability.

"Forest policy must ensure that desired future conditions be defined and directed actions taken are compatible with maintaining and restoring these conditions.

"Maintaining ecological processes is essential for the functioning of the biosphere and biological diversity must be conserved in the use of forest ecosystems.

"We must have large, healthy, diverse and productive forests.

"Forest practices, including all methods of harvesting, must emulate, within the bounds of silvicultural requirements, natural disturbances and landscape patterns.

"Forest ecosystems should not be candidates for harvest where this practice threatens or jeopardizes their long-term health and vigor.

"Forest practices must minimize adverse effects on soil, water, remaining vegetation, fish and wildlife habitat and other values."

The Deputy Speaker: Your time's expired.

Hon Mr Hampton: It's all there, Mr Speaker.

Mr Brown: I was most impressed by the first speech, I believe, given by the critic for Natural Resources for the Progressive Conservative Party. I think some of the issues that he raised are worthy of some discussion. I know he did his in a totally non-political way, not mentioning the Common Sense Revolution or any of that. But I think it's important, and I think he would agree with me, that the issue of forests on private lands has been woefully neglected by this government.

This NDP government eliminated the property tax rebates on private land. I have talked about this repeatedly. It is having an adverse effect on private land forestry in this province and it affects areas in my constituency, areas in central Ontario, in particular where there are many of these operations. It's a problem.

The other problem the Minister of Natural Resources should consider when he's talking about private forest lands is that he should understand that there will be a relationship between the amount of stumpage and area charges that are charged on crown land and the amount of activity on private lands.

If the price gets out of line, I am very concerned, as members of my caucus are very concerned, that there may be some practices on the private lands that will be very poor in terms of harvest. There may be lands that are purchased and then virtually raped for the quick, easy buck they will be able to get. That is not what we see as an important feature of a world-class forestry operation in the province of Ontario.

The Deputy Speaker: Any further questions or comments? The member for Victoria-Haliburton, you have two minutes to reply.

Mr Hodgson: I'd like to thank the minister and my friend from Algoma-Manitoulin. I've talked about the idea of private lands extensively in this House and I won't go over that, other than to say that we could probably take a look at the BC models of woodlot licensing or different combinations of that to address this. I believe that's a very serious issue and it's a flaw with this government's intention to sell sustainability throughout the world, because if the world comes and takes a look at our industry, they will quickly realize that the numbers don't mesh.

The idea that the minister mentioned about the Common Sense Revolution somehow having a negative impact upon the MNR—he bandies about the 20% figure. Anybody who's read the document can go through and see where the cuts are item by item and realize that the 20% is when you take out the cost of health care in this province and the interest on the debt, which has become one of the fastest-growing and one of the largest components of the Ontario government. When you take that away, you're dealing with a 20% cut on the \$30 billion.

The 30% cut in personal income taxes on the provincial side is 30% of a \$15-billion pool which we get in

revenue. But back to the issue at hand, I would like to just mention that there was a report done. This deals—

Interjections.

Mr Hodgson: Actually, the book's available. If you want to go to any caucus, you could probably get some.

There's been quite a bit stated about this act and how it regards crown land in northern Ontario. This act will also provide a framework for central Ontario, and smaller parcels of crown land will be affected. There's been quite a bit of excellent work done by Bill Brown and the ministry staff and they have a number of recommendations that could be implemented at the same time this bill is going through and it would address a lot of the problems that the small jobbers face in this province.

The Deputy Speaker: Further debate?

Hon Mr Wildman: I am happy to join in this debate on the Crown Forest Sustainability Act. I want to say in response to some comments I've heard in the debate this evening that far from being some kind of a face-saving effort on the part of the government with regard to forestry, particularly in northern Ontario, this is an act of vision, an attempt to respond to a serious concern that has been lingering in this province for 70 years, at least since the report in 1947-48 on how we should deal with crown land timber and crown land forests in this province.

We have vacillated back and forth over the years with various successive governments on how to manage our forests and we haven't been able to come to any overall overriding approach that would be acceptable to all the various interests that are concerned about the future of the forests in this province.

I want to congratulate my colleague the Minister of Natural Resources. It's obvious that he is beginning a new beginning for the forests in Ontario. This is of course not the only new beginning in his life in the next little while, but it's obvious that he is looking forward to significant changes that will have a long-term impact and it will be important for all of us, whether we are from northwestern, northeastern, central or eastern Ontario, or for that matter, all of us, considering the importance of forestry to the overall economy of this province, throughout Ontario. There are as many people, if not more, employed in businesses and industries related to forest products in southern Ontario as there are in northern Ontario or eastern Ontario.

Members are probably aware that the Environmental Assessment Board's decision on the class EA on timber management on crown land in Ontario became final on May 19, 1994. The government is committed to the important task of implementing this decision within the context of all of the Ministry of Natural Resources initiatives related to forestry, including this Crown Forest Sustainability Act, Bill 171.

I'm very pleased to be able to participate in this discussion and in this debate because I think everyone recognizes that forests, in northern Ontario particularly, contribute to the economy and to many northern communities. All of us are as concerned as my friend from Victoria-Haliburton about the sustainability of those

communities as well as the sustainability of forests in this province.

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So when we're talking about this, we're talking about an overarching approach to sustainability. The problem in dealing with the term "sustainable development," which came to us as a result of the Brundtland commission report for the United Nations, is that everybody's in favour of it these days. The problem is that some people put emphasis on the "development" and some people put the emphasis on the "sustainable." The problem with that phrase is that "sustainable" is the adjective, when in my view it must be, as it is in this legislation, the noun.

What we're about here is developing sustainability with regard to our forests and our communities; that we will be able to ensure that future generations will benefit from the tremendous wealth of resources that up to now too often we've taken for granted and haven't managed properly and, as a result, are now seeing situations where, as my friend from Victoria-Haliburton indicated, we're transporting timber farther and farther in order to supply mills simply because we haven't properly managed the crown lands in the vicinity of those mills over many years, over generations.

Historically in this province, we've never had a forest sustainability policy, we've never had a forestry policy. We've had many timber management policies. We've seen the forest simply as a supplier of wood fibre for the lumber mills and the pulp and paper mills. Obviously, all of us recognize that this is very important when one considers the communities that are dependent on forestry, when one considers the economy of this province. But we all recognize that this is only one of the many important values that forests provide us, and that if we are going to manage on an ecosystem basis, if we're going to manage for biodiversity, we can't simply cut down everything and then with a monoculture, replant one single species, frankly because it doesn't work very well and we haven't been successful at it. In doing that, we denigrate all the other values, all the other parts of that ecosystem that developed over generations.

Some people say "Well, a clear-cut is similar to a wildfire." It is in a sense, but if what comes after the clear-cut is a monoculture plantation, that is not the result of a wildfire, that's not what happens in nature, and if we do that too often, we do it at the peril of our forests. We do it at the peril of ourselves.

What this bill, Bill 171, tries to do is develop a policy and standards that will mean we manage our forests not just for timber fibre, important as that is, but also for fish and wildlife habitat, for aesthetic values, for recreational values, whether it be hiking, angling, hunting, canoeing, cross-country skiing, snow machining, whatever, for recreation, and that we also manage those forests for the values of old growth, that we also manage them for the values of tourism.

Oftentimes those values are in conflict with one another and with timber management, and somehow we have to come to grips with that. I believe that Bill 171 is an attempt to do that, to set standards to ensure that we manage on an ecosystem basis, that we have a holistic

approach rather than a fragmented approach to the way we manage our forests. I'm pleased that Bill 171 establishes clear and higher standards for operating in our forests and manages on an ecosystem basis.

Other members have talked about the problems we've had in the past with ensuring that whatever standards are set by government are applied and enforced. The problem we've had in the Crown Timber Act, for instance, is that there was either a very, very small fine, which some unscrupulous operators, if they were caught and charged and had to pay the fine, just treat as a cost of doing business, or the draconian approach of saying, "All right, if you haven't complied with the standards, with the regulations, your company is going to lose its licence," which in fact meant nothing, because nobody ever did it.

Can you imagine what would happen if a major pulp and paper company operating in a particular area was going to lose its licence? The whole community would be devastated and threatened. You'd have the mayor, you'd have the chamber of commerce, you'd have the employees, you'd have the union, you'd have everybody trekking down to Queen's Park here, sitting on the doorstep out front and saying: "You can't do this to our community. This company is far too important to the survival, to the sustainability, of our community." So it will never happen. It just didn't happen.

What this bill does is set a gradient, a way of grading penalties if they are necessary so that you don't have just a little slap on the wrist or a decapitation as your only choices, but you can move in terms of seriousness, depending on the violation, to ensure that the penalty does meet the violation in a way to ensure that companies will meet their obligations and live up to the standards set under the legislation. This means we'll have strong compliance mechanisms and we will indeed have stiffer penalties for those companies and those individuals who don't follow the rules when they operate in the forests. In this, I'm not just talking about lumber companies or pulp and paper companies or jobbers, loggers. I'm talking about everyone who uses our forests: recreationists, tourist operators, tourist outfitters and everyone. I applaud the legislation for that reason.

I guess one of the major debates in Ontario politics since the 19th century has been how we properly regenerate the forests, how we ensure that forests are renewed, and we haven't done very well at it.

I recognize that in the early 1980s, one of the predecessors of my friend from Rainy River as Minister of Natural Resources, the then member for Cochrane South, Alan Pope, significantly increased the investment that was made by the government in the planting of seedlings in this province, and I want to give him credit for this. He made a tremendous effort in increasing the number of trees that were planted, seedlings that were planted in cutover areas. And then Alan Pope went around the province and said: "Look what a wonderful job we're doing. We've planted so many hundred thousand seedlings, far more than were planted before."

The problem was that the number of seedlings that were planted wasn't as important as how many trees were growing five or 10 years later and what kinds of trees

they were. Were they monocultures or were they more appropriate to the particular site that was cut over?

What this legislation does is make sure that our forests are regenerated, and are regenerated in a way that is appropriate to the particular areas where the cutting has taken place to ensure forest renewal—not just timber fibre renewal, but rather forest renewal that is habitat for fish and wildlife and for other plants in a way we've never attempted in a serious way in our forests before.

This of course will require that forest renewal is planned before harvesting ever takes place. In other words, we will design how the harvest is to occur on the basis of the particular kinds of sites in a way that will determine how we harvest, and it will make it easier then for us to regenerate. This planning is going to have to take into account the whole forest and all the values I mentioned, not just timber values.

We've had some discussion in this debate about the funding levels we've seen in terms of regeneration of our timber and of our forests. There's no question that in the last few years funding has been inadequate. Some would say on the opposition side, and it's fair—I spent some time over there myself and I would have done it myself—that this government hasn't spent enough. I agree with that, frankly. But I would also say very honestly that no government has ever spent adequately.

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I can remember when the former Premier of this province, Bill Davis, had a charter, I believe he called it, the Brampton charter, in which he said that for every tree cut there would be two trees planted. Then I remember when the former member for Sudbury East, Elie Martel, brought in a private member's bill which would have done exactly that, only he didn't even go that far. He said just one tree for every tree cut would be planted, instead of two. The Ministry of Natural Resource officials went bonkers because they were afraid this might actually pass in the House and they didn't know how on earth they would do it. They didn't know how. They couldn't. They didn't have the money and they didn't have the resources. And if we listen to some of the things that are being proposed, in terms of some of the nonsense that's been spread across this province in the last few weeks, they will have even fewer resources if some get their way, and it would be impossible for us to do that.

We can't just determine our funding levels and our regeneration efforts on the basis of numbers of seedlings, of trees. We have to do it on the basis of what is appropriate to a particular area: the kinds of soil types, the types of species in the area and the ecosystems. This will mean more careful planning, more difficult planning. It will also mean ensuring that our harvest methods are done in a way that will make it easier for us to regenerate, and perhaps in some ways less costly.

Many members have congratulated the minister for bringing in a bill that gives people a greater voice in how we will manage our forests. If we're serious about the sustainability of communities as well as the sustainability of the forests upon which those communities depend, then people must have a say.

I'm happy to say that in my tenure as Minister of Natural Resources, I was able to begin four pilot projects for community forests in this province and that they are going on in a very successful way as a way of demonstrating how local communities can have a real say in how the forests in their areas are managed.

This bill will make it necessary for the government and for industry to listen to all of the people who have a stake in how we manage our forests. It will require that the government and the forest industries report annually to the public. So there will be greater accountability on how their forests are being managed and the people will be able to judge for themselves if the forests are being cared for properly.

I believe Bill 171 will provide for the development of forest management plans within five years, which should address the concerns raised by many: not just representatives of the forest industry but also environmentalists, anglers and hunters, first nations, tourist outfitters and all who are interested in our forests and the future of forest management in Ontario. I believe also that Bill 171 will make it possible for us to begin to manage for all our forest values, not just timber fibre, in an integrated way that will make ecosystem management a reality in Ontario for the first time.

My ministry, the Ministry of Environment and Energy, will continue to work in cooperation with the Ministry of Natural Resources to address the many and varied forest management issues through other initiatives, including the Ministry of Natural Resources planning system review, the old-growth initiatives, the Keep it Wild campaign, as well as Bill 171.

In that context and in the context of the timber management class EA approval, this new Crown Forest Sustainability Act will mean that the Ministry of Environment and Energy will have to work with the Ministry of Natural Resources to ensure sustainable forest management in this province. I'm pleased to say that I will have a continuing interest not just as a northern MPP representing an area that is very dependent on forestry and on forest management, but also as the Minister of Environment and Energy with a direct interest in implementing the class EA decisions from the Environmental Assessment Board.

I believe Bill 171 goes a great distance to implement the recommendations of that board but also goes even further, in terms of ensuring that we move further than any other government has, than industry ever has in Ontario, in Canada I believe, towards what Ms Brundtland really meant when she said "sustainable development," because without a commitment to sustainability we will be ignoring our responsibilities to future generations.

I conclude by simply saying that whenever I look at how we should manage our resources I think of the very wise words of an elder who recently passed on, Chief Dan Pine of the Garden River First Nation, when he told me that we all must recognize, in how we deal with our resources, that we don't inherit them from our parents or grandparents, from our ancestors; we borrow them from our children and their children.

That's what sustainability is about. That's what this legislation is about. Again, I congratulate my colleague for having the vision to move forward in this way.

Mr Brown: I would like to thank the Minister of Environment and Energy for his intervention, just as a neighbouring riding, as someone who shares many of the same concerns I do.

One of the concerns I have with this legislation and one of the concerns that many of us have is understanding how this impacts on the crown land units. It's all fine to say all these good things are happening, but unlike FMAs, which most northerners understand—it's relatively simple in terms of renegotiating a contract with a particular company that holds the rights, and hopefully holds the rights with some kind of security over time—dealing with the crown land units is a whole different ball game.

We've been looking for creative ideas and understanding how this is going to occur, because certainly along the north shore of Lake Huron, certainly along the north shore of Lake Superior, certainly in many areas of the province, the crown land units create more difficulty in doing what might be ecological management that the member talks about and the minister talks about.

I was at the briefing with ministry officials and they were most helpful, but in the area of understanding how this was to work they weren't very helpful at all. They kept saying, "Well, we're going to work this out."

If this is just about the FMAs at the moment, that isn't that tough. We've had the environmental assessment. This legislation had to wait for the timber EA to report. That's a given. It had to wait, no government could move until that happened, but we are still at a loss about how this is to work on the areas outside the FMAs. It's not fair to ask the member for Algoma to respond to this, but I'm hoping the Minister of Natural Resources will help us with how they see that in the future.

Mr Hodgson: I'd like to congratulate the member for Algoma for a very thoughtful and emotional speech. It was just a pleasure to hear that. I think the whole House agrees with what he stated and nobody has a complaint with that, but what we're waiting to see is how it's going to be implemented, what the policy manuals say, what the regulations say. It's in the details where we'll find out whether it does live up to its advance billing or whether it doesn't.

I would just like to comment along the same lines as the member for Algoma-Manitoulin in that I have the same concern for the people of Victoria-Haliburton in particular, the riding I represent. Large contracts are going to be established, and that's going to be dealt with first. I too was briefed by the senior ministry officials, and I want to thank the minister for that, but when asked how this is going to affect the little people, the people like the jobbers, the independents, the small sawmill operators, the veneer operators, it was, "We'll have to wait and see how the manuals work their way out."

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I have a particular concern. There's a young lady who runs a veneer plant in my riding, and what I'm worried about is that we will entrench the status quo. If we're

talking about crown limits in supply, here's an operation that the market is there for. Traditionally it's been a source of employment for the small town of Wilberforce, it's provided the main economic activity for that area, the market is up, and they're having a hard time getting products.

Hopefully this legislation will move past the large pulp and paper industry of the north and look at the whole province of Ontario and get its act together with allocating resources to provide sustainability for her operation that she's struggled to keep surviving in a recession. Now it's time she had the market guaranteed, and hopefully this bill can address that.

Mr Wood: I know the member for Algoma very well, and his riding borders on my riding. I also had the privilege of working with him in the first two years of this government, and I know the interest and concern he has that is addressed in Bill 171.

I also know how concerned he is about the number of new jobs that can be created and the jobs that can be sustained out there. As I said, his riding and my riding are very similar, and the forest industry, the sawmills, the pulp mills, the paper mills are very dependent on how we manage our forests now and into the future.

So I just want to say I appreciate very much the comments you have made in helping to bring this bill forward and get it into hearings, so we can have some public hearings throughout the province this summer and get to the point where Bill 171 will become the law of the land in dealing with crown land.

The Acting Speaker: Any further questions or comments? Seeing none, the Minister of Environment and Energy has two minutes.

Hon Mr Wildman: I thank my colleagues for their comments and questions. I think it's fair to say that in the past, because of the importance of the pulp and paper industry in this province, forestry policy has been largely determined by the boreal forest, and the FMAs were part of that situation. There's no question that the forest management agreements which were brought forward by a Conservative government and then continued under subsequent governments meant that the provincial government had significant obligations to the industry for forest management and renewal for silviculture, and that the Ministry of Natural Resources essentially robbed its financing of the crown management units in order to maintain its obligations to the forest management agreement holders. There's no question that we haven't done the job we should have done on our crown management units.

Hopefully, as we negotiate the situation where the former FMA holders will be paying into the trust fund and will be responsible for renewal in their areas, that should free up some resources, if we don't have draconian cuts, as have been proposed by some, to actually do the kind of investments we should be doing on our crown management units.

It's important for us to recognize that we must move for better management and conservation on those areas, and we're doing that on the north shore of Lake Huron,

as they have done in the Algonquin area in the past. But it's also important for us to recognize that as we improve the management of our forests, it means more jobs, not fewer jobs. It means opportunities to use the resources in a way that will ensure real sustainability of jobs, sustainability of communities. So this is about proper management, management for all the values of our forests, that will benefit all those values but also the communities that are dependent on those forests.

The Acting Speaker: Further debate?

Mr Frank Mclash (Kenora): I am pleased to take this opportunity to make comments on the record with regard to Bill 171. This being the first bill in the past four years that we've seen from this government and in this term of the Minister of Natural Resources, it's enlightening to see this legislation come forth.

When I say that, I do have some reservation, however. Generally, we've heard many good things about this bill, and generally I can actually support it, because it does sound like some good stuff involved in what the minister has said and what we've just heard as well from the Minister of Energy.

I do have, however, some reservations about the vagueness. We've heard it said by both the critics, the critic for the official opposition and the critic for the third party, that the ministry officials were vague in explaining what is going to happen in terms of these manuals we hear about, the policy manuals that are going to follow through on this bill and bring forth the actual policy. That concerns me, that we have a bill here that is in principle fairly good stuff, yet we're hearing concern over what may come forth in terms of the policy around the bill.

Just on that thought, I'm looking forward to what the minister has indicated will be public hearings in terms of going out to the people involved in the forestry industry and going into northern Ontario and northwestern Ontario and hearing from the small operator, hearing from the major companies.

As you can well imagine, the forestry industry is extremely important in my riding. I often tell the story of how I am actually a product of that particular industry, as my grandfather came to Kenora to participate in the development of Boise Cascade. My father and five uncles were involved in the industry; both brothers are now involved with Boise Cascade. I have numerous, numerous relatives from across the riding who are involved in this industry, so I cannot tell you how important it is to me personally, as well as to those folks across my riding.

One of the major concerns I hear about this legislation is the possibility of driving the small guy out of business. We've heard a lot about stumpage fees from the various speakers and they are quite concerned that these will be raised through the roof, to the point where the small entrepreneur, the small company out there, just cannot handle that.

So I go back to the fact that the minister has indicated that there will be public hearings on this particular piece of legislation. Those public hearings are very important in terms of gathering the information, but he's also going to have to listen to that information. I cannot tell you

about the people in my riding who are concerned about anything that is going to affect them. Quite often, we find these to be the small business owners, the people who are employing small numbers. I'm not talking about the Boise Cascades of the world and the other major players but about the many small industries in my riding that depend on the forests for their particular industry.

Something that caught my interest in terms of Bill 171, and something which I think is extremely important, is part V of the bill, which talks about the trust funds. This has caught my attention and I think it is very important and something I can see as a very positive measure.

At this point, I would just like to read what it says in terms of this part of the bill. The new act will provide for a forest renewal trust fund to ensure that a dedicated and secure source of funds will be available for the renewal of all harvested crown forests. The act will also provide for a forestry futures trust fund for silviculture for forests killed by natural causes, intensive stand management, and in the case a licensee becomes insolvent.

I can't tell you how important those aspects of what I've just read into the record are to the industry in my riding and to the people who depend on that industry. I've witnessed some of the forests that have been killed either by fire or by spruce budworm, which is going through my region of the province at the present time. In the development of such a fund, we can look forward to something that will be there, and I can only say that I just hope this truly becomes a reality, because I know how important it will be to the industry throughout my riding and my area in northwestern Ontario.

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When we hear the member for Victoria-Haliburton talk about the Mike Harris Common Sense Revolution, I must caution the people who depend so much on this industry to read very closely what Mike Harris has said in terms of cutting the budgets of these very important ministries such as the Ministry of Natural Resources, such as the Ministry of Northern Development and Mines, the Ministry of Culture, Tourism and Recreation. These are ministries we depend upon so much throughout the north, and every time I hear that Common Sense Revolution theory and the stuff I have read, I cringe and think about what a great effect that will have on my constituents and the people throughout northwestern Ontario, northern Ontario, who depend on such things as the forest for their industry. I talk about the forestry industry, but we know that a lot of other industries depend on the forest: tourism, the people who come into my region, the northwest portion of the province, looking for that natural experience that takes them into the forest—some very important stuff.

I've received a good number of comments from the companies and from various constituents throughout my riding in terms of Bill 171, but I would like to read one letter that comes to me from Regional Logging Industries (1979) Ltd. This is a small company that employs a number of people in the Dryden area, and this company has taken time to look at the views as expressed by Bill 171, and the initial response goes like this:

"In reference to 'sustainable forests,' our methods of

forest harvesting have always been based on perpetuity. This term is outdated. It should be replaced with 'What will our forests sustain?' which would include all users and stakeholders of Ontario forests."

They go on to say, "Before we can build a new 'policy framework,' we must have numbers to work with. A new up-to-date inventory of all the species must be completed for crown and private lands. Inventories should also include restricted areas and park areas in the province. Most of the ideas for a new 'framework' have been practised for the past several years.

"We must be careful that such a 'policy framework,' when implemented, will not cost extravagant amounts of dollars to police. The money would have to come from the stumpage fees"—as I indicated earlier, real concern, concern that not only comes from Regional Logging Industries but from other people who have got in touch with me as well. "Therefore, the forest renewal trust fund will be depleted," a reference to the renewal trust fund, part V of this act, a very important part, as indicated here.

"Every time the government involves itself, there is a tendency to create new bureaucratic jobs and positions which cost megadollars. We must be competitive globally! Any additional costs would drive the stumpage fees up, resulting in the industry losing its competitive edge."

The global aspect of the industry is something which concerns a lot of people in the business of forestry throughout. They know that we are competing on a global basis and they know that we must remain competitive—really quite concerned about the actual policy that will come about with Bill 171.

It goes on: "Some of the methods currently being practised for wildlife and lakeshore reserve have done more damage to our forests than good, such as sun scalding (exposure to the sun at certain times of the year) for different species, and the age of timber being harvested. Modified cuts should be used in certain situations. Damaged forests from fire, wind and bugs should be salvaged expeditiously."

When they talk about the forests damaged from wind, we have actually just suffered from a major blowdown in the Pakwash forest in the northern portion of my riding. The Regional Logging people speak from experience where we've had to get in and get that forest, which has literally been blown over. If you fly over the area, go over a blowdown, it's trees on their sides. Before the infestation of bugs gets in there or before it's wiped out by fire, it has to be harvested. That's something they bring forth here and something which I hear from a lot from the people involved in the forestry industry.

"The policy for managing patented or pine veteran grants should be eliminated because it is outdated." Madam Speaker, I think you'll find this of interest. "There is no justification for patented land owners to pay stumpage fees for their jack pine on their land. This policy was implemented in the 1800s to restrict the cutting of red and white pines for shipbuilding in the southern Ontario region. It carried over to the PVG lots in northwestern Ontario affecting the harvesting of jack pine, not spruce. It was my view that it should be

abolished." A southern Ontario policy, which this person has indicated has been transferred into northern Ontario, makes absolutely no sense at all. "Private land owners should be considered in the 'policy framework' and encouraged to refurbish unused vacant lands."

That represents a good number of the letters I have received regarding Bill 171 and a good amount of what's on the minds of those folks who are dependent on this industry from across my riding.

I cannot stress the importance I place on the public hearings. What I have just read indicates that there are some other thoughts out there, other thoughts this government will have to listen to and possibly take a look at those before it comes to the finalization of what the four policy manuals will look like.

I cannot say that the minister, as he talked about earlier in his comments—these are real people. These are the real people the member for Victoria-Haliburton indicated worked long hours for their hard-earned dollars. These are the people the minister must ensure are listened to and the people who will help bring forth their ideas, such as the Andersons, who have written me in terms of this piece of legislation.

I would just like to say that in the northwest, as well as throughout the northeast, in fact throughout Ontario, this industry contributes billions of dollars to the economy of Ontario. That's hard to believe when you're sitting here at Queen's Park in downtown Toronto, but if you just take a look around, even at some of the offices located within Metropolitan Toronto and take a look at how they are connected, you will find that it is not just a northern Ontario industry but one which affects this province in a great many ways.

I'd just like to wrap up my comments by saying again that I look forward to the nitty-gritty of what the policy will bring forth, what the policy manuals will tell, but I can only say, and I hope the minister hears this comment, if nothing else, that I honestly hope this will not affect those small businesses in my riding that we depend so much upon for employment.

Mr Wood: First of all, I want to thank the member for the comments he's brought forward. There are a couple of things he's concerned about, first the public hearings and the length of the public hearings. There's no doubt that we are committed to those hearings, and as the minister had said in his opening remarks, hopefully we can work out a schedule with the Liberals and the Conservatives over the next few days to set a schedule in motion that we can stick to.

As to the policy manuals, he mentioned the concern about whether the manuals will be ready. Yes, the manuals will be ready; the four manuals we're talking about will be ready.

As far as the small guys are concerned, he talks about the increase in stumpage fees. I'm not sure the public out there and the people in the province of Ontario are all aware of it, but there is an indexing of the stumpage fees, and as the price of lumber or paper or pulp increases, the taxpayers of the province, who own the crown land and the trees out there, get an increased amount of that. When

you have lumber that goes from \$300 a thousand board feet to \$600 or \$700, which happened, there's no doubt the stumpage fees go up, but the sawmills and the paper mills and pulp mills benefit from that and there should be some negotiations where they're sharing the cost of the increased stumpage with the small guys so they don't pay the price. There's no doubt about that. I personally have encouraged that right across the province over the last 18 months, that they should sit down with the companies and make sure they have a fair agreement so that they get a return based on inflation.

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The Acting Speaker: Any further questions or comments? If not, the member for Kenora may reply.

Mr Michlash: I can't say how delighted I am to hear that we've had the public hearings committed to again and that this government is committed to the public hearings, but I read a letter into the record in which there were some suggestions, and the important factor is, will this government listen to what it hears during these public meetings?

I understand that the policy manuals will be ready and that the date of possibly August has been set for those to be out. But the important thing is, what will be in these policy manuals? That's what people are looking forward to, how it will affect them and what will be in there.

I brought up the subject of stumpage fees, which the member for Cochrane North explained very well, and anybody related to this industry as well will understand how they work. But again I bring it up as something which is on the minds of my constituents, which is on the minds of the people involved in the forest industry.

The member for Cochrane North mentioned that they are looking for fairness in their policy. I guess that goes back to fairness in gas prices, how this government said there would be equalized gas prices across Ontario. Madam Speaker, you'll know how I feel about that. While this government actually indicated that we were going to have fair gas prices across Ontario, we found out what happened to that, so there's some major concern on the part of the industry, the people out there.

I can only hope that the Minister of Natural Resources will abide by the words that have been given here this evening by the member for Cochrane North and that they will truly be fair when they bring forth the policies in relation to Bill 171.

The Acting Speaker: Is there any further debate?

Mr Wood: As we've already heard from many of the speakers, Bill 171 takes Ontario into a new era of resource usage. We can finally say, to put a twist on the old saying, that we can see the forest because we can see the trees, the moose, and all the other wildlife. With this bill, Ontario will have the capability to manage the forest as a whole ecosystem, not just as a product that goes to the mills.

Last summer, in my capacity as parliamentary assistant to the Minister of Natural Resources, I toured most of central and northern Ontario to discuss the silviculture practices in our forests. During this tour, the minister and I met with forest managers from the MNR and other

groups interested in the wellbeing of our forests. We made a commitment then, and I am pleased that this commitment is repeated in the act, that each harvest site requires planned regeneration to get a healthy forest. This planned regeneration could include natural regeneration, aerial seeding or planting and tending. No forest stand is harvested if a plan for regeneration isn't ready. This is a significant step forward in the way we harvest our forests and one which I believe will keep our forests producing jobs for a long time to come.

I'm pleased to say that this government's Keep it Wild campaign will enable Ontario to complete a system of parks and protected areas by the year 2000. In doing so, we are ensuring that the wilderness we presently enjoy, our grandchildren can also enjoy in the future. Perhaps our grandchildren will enjoy it more then, since few of our natural spaces will remain unless they are protected.

Again I would emphasize that Bill 171 is Ontario's first forestry act. We've had numerous timber acts, but this is the first bill that actually looks at the forest as a whole, everything from rare species like the falcons to more common animal and plant species like moose and black spruce.

The government has adopted the first policy framework on sustainable forests. This is an important, historic first for the province, because it represents a shift from managing forests for timber to a view that we must manage for all forest values.

I'd like to mention some of the important elements in Bill 171 that make this bill different from any other timber bill this province has seen before.

First, Bill 171 requires that forest renewal is planned before harvesting ever takes place. Again, this ensures the long-term viability of our forests and helps to ensure a healthy northern economy.

Next, Bill 171 ensures that sufficient funding for regeneration of the forests is set aside each year through the forest renewal trust fund. Bill 171 also ensures that our forests are regenerated to meet improved standards for forest renewal.

This bill will establish strong compliance mechanisms and stiffer penalties for those who don't follow the rules when they operate in the forest. Unscrupulous operators hurt us all. Fines can range from \$10,000 up to \$1 million. The fine of \$1 million would apply to anyone who refuses to comply with an order under the act to stop operations that are causing or likely to cause loss or damage that impairs the sustainability of the crown forest.

Bill 171 will require the government and forest industries to report regularly to the public on how their forests are being managed so that the people will be able to judge for themselves whether our forests are being cared for properly. The environment has become one of the public's top concerns over the past decade. Every organization from Girl Guides to Greenpeace does volunteer environmental work, like planting trees or cleaning up polluted community areas. People will continue to be concerned and take an active interest in our environment. Bill 171 acknowledges this and provides the opportunity for people to become involved

through the local citizens' committees. The act clearly states that the minister shall not approve a forest management plan unless satisfied it provides for the sustainability of the forest. The forest management plan will outline planned regeneration of the forest before it is harvested. This will ensure diversity in our forests and is a significant step forward in managing our forests.

This planning activity is very central to the effectiveness of the act. The planning will be guided by manuals that set out acceptable approaches for forest operations. At the same time, we can't spell out each and every aspect of forest management in the act. The manuals will outline what is and isn't appropriate in various forest harvesting and regeneration circumstances.

With this act, forest companies will provide more detailed information about the forest. This information will be used to continually improve forest management.

I briefly mentioned the local citizens' committees. These committees will be set up to enhance cooperation between local communities and forest industries. There are already several of these committees in my riding. One example is the Hearst Stakeholder Advisory Committee, and the 6/70 Community Forest Committee. These two committees, comprised of local citizens interested in fishing or snowmobiling or hunting or other forest uses, together review the activities of the forest and coordinate their efforts to ensure harmony between consumptive and non-consumptive users of our natural resources.

Forest managers will be required to ensure that the forest operations they plan have regard for water, wildlife, fisheries, vegetation and heritage values of the forest ecosystems. Sustainable forests will ensure that we are able to sustain forestry jobs, forest-dependent communities, and the cultural, recreational and spiritual values of the forests.

This new legislation will provide the guidelines that all of us—industry and government—need to improve the way we conduct forestry in Ontario. I truly believe that Bill 171 is crucial for the long-term health of our forest ecosystems. I am also convinced that Bill 171 is essential to the economic health and wellbeing of communities and people who depend on forest industries for their livelihood.

It is interesting to note the amount of dollars spent on reforestation. If you take the minimum stumpage, there's \$20 million residue value; the market fluctuation is \$71.5 million; area charges are approximately \$14 million. As to the trust accounts, one is \$60 million, the other one is \$20 million. The special purpose account is \$35 million, plus MNR core silviculture funding of \$68.1 million, and the forest futures licensing area is \$6 million. We're talking about \$189 million that is projected to be spent or is being spent, and it's more than has ever been spent in the province of Ontario on silvicultural and managing of their forests.

With that, I would finish up my comments.

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Mr Gilles Bisson (Cochrane South): I commend the parliamentary assistant to the Minister of Natural Resources for his comments in regard to the Crown

Forest Sustainability Act. As northerners, coming from sister ridings, Cochrane North and Cochrane South, we probably understand far too well the whole aspect of forestry, like many other members from northern Ontario who deal with forestry.

What really excites me about this bill and some of the comments the member made is the whole approach, putting money aside into a trust fund to make sure we have the dollars in the future to do the amount of reforestation that needs to be done.

Clearly, those who utilize the forest have to be the people, in the end, who are responsible for doing the reforestation; after all, they're the ones who profit from it. One of the problems I've heard as a member since 1990, and I'm sure my colleague from Cochrane North has heard the same thing, is that part of the problem we've had over the years is that the money that's collected in stumpage has gone into the consolidated revenue fund, and there's a problem when it gets over there in that not enough money comes back sometimes to do the amount of reforestation that truly needs to be done.

So for northern Ontario and the forests of Ontario, and to position the market for softwood and pulp in regard to accessing foreign markets, I think the trust fund and the whole approach to it is sound one. We've seen examples in other places where such positive measures could be taken.

The other thing I'm really excited about is the question of bringing together all the stakeholders within the forest to be the ones who deal with the forest management plans. I would like to talk about that a little later if I get an opportunity for comment.

But I think we can get away from the problem we've had for many years, where the people who utilize the forest, from the anglers and hunters to the cottage associations to all the various groups, including the loggers, all fighting the MNR trying to get a stake in the forest is somewhat difficult. Bringing all the stakeholders together to be responsible for dealing with the forest companies I think is step in the right direction, and I'd like to commend the member for Cochrane North for his comments.

Mr Hodgson: I would just like to comment on the remarks of the member for Cochrane North. This is enabling legislation, and I think everybody agrees with the trust fund idea, that the money will be there to replant and regenerate the forest. This will work fine, the concept of sustainability and the trust funds, so everybody's agreeing with the trust funds.

But the concept of sustainability, when you get away from the large forest-managed areas in northern Ontario and down to the smaller crown land areas, when you've got people who work in Harcourt and Wilberforce and Haliburton—in this area, we have a lot of independent small jobs that employ one or two people. They have trucks. They support the local economy.

If the forest manuals that come out are so specific in terms of doing this study or that study and become a consultant's dream, it could have an adverse effect on our economy. I think there should be some caution taken,

when they draw up the manuals, to recognize the contribution to the sustainability of small communities in Victoria-Haliburton and throughout rural and central Ontario. Woodlots that are no larger than woodlots, which are still crown lands administered by the Minister of Natural Resources—you have to recognize the scale of these operations. You can't have the same criteria for the studies and hire consultants and professional foresters and whatever other assorted titles they have.

There has to be a recognition about partnership with the Ministry of Natural Resources to manage crown lands and all the stakeholders. We can't have one interest group deciding on how much timber is allowed to come out of this area or what use takes precedence. We have to be very careful that we draw this up so it's practical in the smaller communities and on the smaller scales. The independent jobbers are of particular concern to me, because they're not organized, they're very independent, but they still need to be represented here at Queen's Park.

Mr Owens: I want to thank the minister's parliamentary assistant for his remarks. Those who may be watching this program on television today may find it strange that a person from Scarborough Centre would be up commenting on sustainable forestry. However, during my review of the Co-operative Corporations Act, I spent a fair bit of time in northern Ontario in places like Dryden, Longlac, Wabigoon, speaking with many people about the issue with respect to forestry and its sustainability.

Our government was responsible for the setting up of three pilot projects called Community Forestry, and I had the pleasure of meeting with a number of people who were not only involved with the project itself but were members of the community. As the member for Victoria-Haliburton and the member for Kenora have indicated, there's a great interest in providing a logical and rational approach to forestry management and harvesting.

It's certainly not the intent of this government to go full speed ahead without public hearings and the kinds of consultation the minister has talked about, the parliamentary assistant and others on all sides of the House.

In terms of the sustainability of the forest industry and of course the forests themselves, it's a tough problem, but it's our intent to try to resolve it in the somewhat near future in consultation with people from across the north, both from the side of the provider and also the consumer. It's the only way this process will work.

The Acting Speaker: Further questions or comments? If not, the honourable parliamentary assistant has two minutes to respond.

Mr Wood: I just want to thank the member for Cochrane South, the member for Victoria-Haliburton and the member for Scarborough Centre for their kind comments on the brief discussion I had on Bill 171, the sustainable forestry act.

I'm looking forward to it going into public hearings and getting out around the province so we can get feedback from the general public, the sawmills, the paper mills, the pulp mills, the unions, whether it be CEP or whether it be the IWA or whether it be the International Brotherhood of Electrical Workers. I'm sure there will be

comments from both sides that will come forward as we travel around the province.

One point the minister made in his opening comments is that we're working with the Liberals and the Conservatives to make sure the hearings are not just held in Toronto, that we do travel to northeastern Ontario, northwestern Ontario and central Ontario, where the crown land is being managed and being managed in a sustainable fashion so it takes in the whole ecosystem approach towards managing.

When we get Bill 171 into law with the four manuals we're talking about, I'm sure it will be an example we'll set for around the world, what we've been able to do in Ontario. If we look back at some of the battles that Bud Wildman and Howard Hampton and Floyd Laughren made in opposition, they're able to see the results of that now in legislation dealing with changing the timber act which was put in in 1952, and now we're into 1994, so it's 42 years.

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The Acting Speaker: Further debate?

Mr Sean G. Conway (Renfrew North): I want to just engage the debate on second reading of Bill 171, An Act to revise the Crown Timber Act to provide for the sustainability of Crown Forests in Ontario.

I have listened both in the House and in my office to some of the comments that have been made, and they've been all extremely appropriate comments, from the minister, through to the former minister, through to the member from Haliburton, and my colleagues from Kenora and Manitoulin, to say nothing of the previous speaker from Cochrane North.

I must say that as I have read the bill and looked at some of the notes I have in my hand, some comments from some of the affected interest groups—I'm looking, for example, at some correspondence from the Ontario Forest Industries Association which outlines that that group sees some positive aspects, which have been touched upon by some other speakers, some positive aspects in this legislation, and of course it not surprisingly finds some uncertainty and some concern.

I want to say at the outset that it's always an important time when the Legislature of Ontario deals with acts and regulations that touch upon the crown timber resources of the province. There was a time when in fact the legislatures did scarcely anything else.

I must say it is some comment on the increased urbanization of the province that we have a debate of this kind at this particular time in the session, and I don't suspect it's going to engender a great deal of controversy. I've got to believe the bill will pass. It's hard not to want to endorse a lot of the bromides contained within Bill 171. I see the good people from the department of lands and forests, as they still call it where I come from, behind the Speaker's dais. I know they have worked long and hard and I think quite responsibly at this bill, and I don't mean to denigrate those efforts. As I said, I've listened earlier to people talk about the various concepts that inform the legislation, and it's really hard to be opposed to any of that. The fun, of course, is in the practice.

I look at provisions in this bill. For example, part VI provides for the licensing of forest resource processing facilities—again, straightforward, understandable. One ought to just be there when a minister of the crown, a Minister of Natural Resources, chooses to exercise that power in the negative. The member for Lanark-Renfrew is not here, but he could speak to a situation where, and I dare say at the risk of being criticized yet again in my own constituency, Mr Wildman, on behalf of Her Majesty's provincial government in Ontario, decided not to license a new forest processing operation in the village of Braeside. All hell broke loose, I suppose at one level understandably, because the very lifeblood of that community, one of the oldest sawmilling communities in the Ottawa Valley, was very seriously jeopardized by that decision. Happily, other arrangements were made and another operation was launched a short time afterwards.

I remember when the government of which I was a part chose not to relicense the old G.W. Martin Mill at Harcourt. I remember the slanders that were cast about this place and, more interestingly, in Haliburton county about why that decision was made and who made it.

I was interested, and I don't really want to get too deeply involved in this, in the recent by-election in Haliburton county. I'm glad to know that some of the old slanders are still alive and very well. I have a good, thick hide and I will not be too moved by some of that criticism, but I have to tell you, to hear Bud Wildman make the speech he made here earlier tonight is for some of us to forget some of what happened, I suppose understandably, in a more innocent age.

If there is one really beneficial thing that's happened to the provincial political culture in this province in the last decade, it is that each of the three major parties has now had its opportunity with the responsibilities of office. I think there is a heightened consciousness now on all sides of the difference between articulating a bromide about sustaining a good ecosystem or granting a licence here and not there—because you can't, of course, be opposed to that; that is motherhood or fatherhood. But there is a distinct difference between the impact of that language on the one hand and the practical reality of making the decision on the other.

I dare say there aren't too many members in this Legislature who are going to take issue with many of the concepts contained in this bill, because it is so generally written it reminds me of the Delphic oracle: It can mean everything or it can mean much less than everything. In fact, one will have to look to the manuals, I'm told not yet written, and more importantly, to the regulations, to find out how this legislation is in fact going to come to rest on the province generally and, more importantly, on operations in Cochrane or in Timmins or in my part of eastern Ontario.

At that point, the rubber will hit the road, and I suspect there will be no difference in the behaviour of most every member from the behaviour I saw just a few months ago with my friend the member for Lanark-Renfrew, who was faced with a right decision taken by Mr Wildman, a very difficult decision but a right decision taken in my own community. But there was very little understanding in the

community of why that decision had to be taken and there wasn't a local politician anywhere for 50 miles who was prepared to support the decision.

As somebody who's been here for a lot longer than most members, and I have more sins for which atonement is due, our record in the administration of the Crown Timber Act is a blotted record. It is a blemished and tarnished record. It's how many years ago since the sainted Jack Stokes brought to the Legislature the story of Donald MacAlpine and forest audits of a kind in north-western Ontario? And Jack was right, absolutely right.

I know from my part of the province that there has been an enormous manipulation over the decades of much of the policy that goes into, among other things, allocating crown timber resources. I shouldn't be allocated about that, because in fact it is the lifeblood, as the member from Haliburton and the member from Manitoulin and others have observed. If you live in Braeside, Ontario, or in Palmer Rapids or in Barry's Bay or in Rolphton, some of the communities that I represent or that are in my county, forestry is what gave the community a raison d'être 125 years ago and it is what sustains many of those communities to this day. So it is obviously going to be of importance to people in the Ottawa Valley as to how Her Majesty's government at the provincial level decides to allocate the lifeblood of that industry, which is resource, and a substantial part of that resource is from the crown lands.

We have overcommitted the crown lands for decades, and there's no doubt about that. In my part of eastern Ontario, one of the great challenges, and it is going to be enormously difficult, exceptionally sensitive, is how we bring the resource base that is there now and is likely for the next generation—and that resource base in terms of at least quality is shrinking. My friend from Cochrane North will know there is a difference between a yellow birch tree capable of providing two or three veneer sawlogs, on the one hand, and a similar volume of low-quality poplar or—what else could I say?

Mr Wood: Poplar used to be a weed.

Mr Conway: Poplar used to be a weed, and it's true. It's becoming more attractive now because we recognize that we can do more with it, and the alternatives are much less than we would like them to be.

The point I want to make is that in my area, any government—this government, any successor government—is going to face an enormously complicated business of trying to bring the resource base into line with the productive capacity of the industry, which paradoxically has shot upwards as the resource base has contracted, and sharply contracted, particularly on the quality side.

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I'm going to tell you, you can write all the legislation you want, with all the highfalutin language around sustainability and balance and all the other virtuous things that are properly contained in this new Crown Timber Act, but that is not going to lessen the challenge that Howard Hampton or Mike Brown or Mr Hodgson will face as they make the tough decisions. They are tough now and they are going to get tougher.

I simply want to say to the government that I can commend the efforts it has expended to bring forward the new legislation. I look to many of its provisions and, as I say, it is very difficult to take an issue with a number of the concepts.

"Sustainability of crown forests": I couldn't agree more, and I accept the criticism that we have not done nearly enough to meet that test in the past. We want to sustain a good ecosystem, balancing all the various interests that are to be found in the 1990s on crown lands. My friend the minister will know, for example, that in our area we have currently something called the Madawaska highlands issue. The great thing about that issue is that it takes the theoretical and makes it brutally practical.

The Ministry of Natural Resources' good people are now engaged in south Renfrew, north Hastings, north Addington, trying to work out some kind of balance and adjudication of a whole host of enormously complex and often contradictory values and ambitions. No politician, and certainly no one in government, is ever going to say "contradictory." We're going to talk about "challenges," we're going to talk about "complementarities," all of that baloney that has to be said by government. You can't be irresponsible like you can in the opposition and talk about perhaps some of the unvarnished truth.

But I'm going to watch as this adjudication and this balance continues, and I might say it's going to be an overlay to one of the most significant aboriginal land claims in the province.

My guess is that within a few months or in a few years, it's going to take Howard Hampton, Bud Wildman, Solomon and Job and several others to move this file along. I'm very confident that they can do that, but I'm watching. Some of it is in my area, some of it's Freddy's riding and some of it's in the Minister of Agriculture's. I'll tell you, if you want to see what this wonderful theory is going to look like, feel like, come to any of the meetings that the Ministry of Natural Resources is sponsoring on the Madawaska highlands. I haven't been to a family court too often, but I have some experience in watching some interests that sometimes clash on rather vigorous grounds where people see the same situation very differently. I just have to say that this is going to be a lot more difficult, however meritorious and necessary, than I suspect some in the Legislature—all these smart people you see underneath the press gallery, they know. They live this experience. I can see some of the battle-scarred faces from here, and it has only just begun.

It is one of the great legacies of my county that for decades—the Legislature, you know, used to reserve, on patented land, pine to the lumbermen, because while the farmers had title to their property in almost all respects, the Legislature decided there was another resource producer in the neighbourhood that had a prior claim to that. It's hard to believe it was just, I think, 40 years ago that that provision was eliminated. Mention that even in my own county today and people smile and wonder what kind of fiction that speaks to.

It just indicates the tensions that have always been there in terms of who gets what on the crown lands. Farmers and foresters in my part of the world fought, and

fought vigorously, for decades. Now I see, as society becomes more diverse, as the public good becomes more multifarious, we've got at one and the same time, on one and the same piece of crown land, a birdwatcher, we've got a logger, we've got a bow hunter, we've got a shotgun hunter, we've got somebody who likes to take an ATV on that part of the crown land, and it goes on and on. Now we are of course going to in this brave new world, and of necessity, find a mechanism to adjudicate all these competing claims. It's going to be a challenge and one that I expect is going to teach all of us a lot about managing the public domain in the 21st century.

I look to some of the other provisions that are in this bill concerning licences. I see that the bill properly contains a number of remedies and enforcement provisions, and I chuckle and then say that of course it should be so. In a sense, it always has been so. But again I think the test of the legislation will be in the backbone—I could use a more colourful anatomical reference but I won't, because it would be very incorrect and *déclassé*. But it will be really interesting to see how ministers of the crown meet that test.

You see, one of the things about this business—I know it perhaps better than I should, and according to some wonderful speeches here and in the Haliburton highlands, I should, because I am close to a criminal for some of the things I have done. Bud, you don't read your old speeches. Don't look so incredulous.

I look to some of this, I look to trust funds and all that, and I look at what the current government has done, for example, on the pension front. There has been a systematic pilfering of a whole series of pension funds in the last 18 months. The good thing about it is that you steal today and some poor so-and-so a decade from now will have to deal with it, but the perpetrators of this malfeasance will be gone.

Hon Ed Philip (Minister of Municipal Affairs): Which one of your policies?

Mr Conway: I'll tell you, when I talk pensions, I expect to get the interest of the member from Rexdale. I don't expect you to agree with me. I think Bill Davis probably would. I remember that I was the stupid sucker who got lassoed into trying to clean up the mess—I didn't go a very good job, as it turned out—about the teachers' pension plan in 1990.

The Acting Speaker: Would the member please address Bill 171?

Mr Conway: I will, Madame la Présidente, I will indeed. I know you would want me to do nothing less.

Hon Mr Philip: Bob Nixon stopped you.

Mr Conway: The point is that I look to this and I say it's exactly the same game. There are all kinds of—

Hon Mr Philip: Gave him the job.

Mr Conway: Madam Speaker, you are so sensitive about the parliamentary niceties, I would hope you would do something about the caterwauling annoyance across the way. I'm sure you would want to.

The Acting Speaker: Please address your remarks to the Chair.

Mr Conway: I will, but I can only do so if I can be heard. I don't mean to be difficult, but I want to play it fair.

I look to this bill and I see, as I say, a very firm commitment to create forest renewal trust funds and forestry future trusts and it reminds me of pensions. Pensions are trusts. That's what they're all about. I just see at Hydro, I see in the public service plan, I see again in the teachers' plan—what's going on? The way you work your way through some of the exigencies of the social contract: Call in an actuary, recalculate the surplus. There's hundreds of millions of dollars of surplus.

I'm telling you, within five years there is going to be a new Chancellor of the Exchequer stand up in this place, after almost all of us are gone, wringing her hands or his hands and say it was all a fraud. I guarantee it.

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I look to this and I say: "Well, I can't be opposed to that notion. That's good public policy." But again, it will mean a lot less if I see there what I've seen in some aspects of crown timber management and administration in the past, for a lot of good reasons, and I accuse all governments. Ministers of Natural Resources get backed into a corner, and I'm telling you, with an election off in the distance—I mentioned earlier the G.W. Martin business. I remember 10 and 15 years ago in this Legislature saying that I think we're creating trouble. I knew the late Grenville Martin, a great guy, a very bright, innovative, entrepreneurial member of the industry.

Oh, no. I didn't intend to do this.

Mr Chris Stockwell (Etobicoke West): You're talking forests, right?

Mr Conway: I'm talking forests, yes.

I remember hearing from a number of people and believing myself that, with undoubtedly the best of intentions, the then Davis government was encouraging a growth of something that was not sustainable over time. The question that was asked by a number of people was, what would happen in communities like Searchmont and Sault Ste Marie and Alban and Tweed and Bancroft and a variety of other places if this little empire unravelled? And it did unravel. It has been a nightmarish concern for about five ministers of Natural Resources since about 1985.

On one level, as a politician, I say to myself and to the Legislature, it's hard to have sympathy for people who do this to themselves, because I have to believe that some of these people over there said, "Minister, don't do this." This is, to quote John Carnell Crosbie, short-term gain for intermediate and long-term pain. But these people I suspect were ignored, and away it went. Like the Hindenburg, it crashed out of the sky, and boy, did it leave a trail.

I'm trying to contain myself, because this is such a botched-up affair—not the bill. As I say, it's hard to oppose a bromide. I just look at some of the examples. The minister made an interesting speech. It was nicely antiseptic. I listened to it.

Then I think of those half dozen meetings I've gone to on the Madawaska highlands, and it has only just begun.

I'm waiting for the Madawaska highlands to meet the Algonquin land claim at centre field. Then I will know I have died and been transported to another place. There will be a Solomon, there will be a Job, who will I think move this forward in a way that I could never do.

To focus the mind on Bill 171, you just need to go, as the minister did a year ago, probably against advice, to Denbigh, to hear 300 or 400 people on the subject. My sense is that as our sense of the public good fractures and fractures again, the implementation of this kind of policy is going to become more and more problematic, however desirable.

I simply want to say again that for my constituents in many small communities whose very economic livelihood depends on the successful management of both the crown and private timber resources, it is their hope that the government, with the support of all members in the Legislature, with industry, labour, organized and unorganized, the environmental community and all other "stakeholders," is going to get its act together to allow responsible harvesting to continue.

I look somewhat worriedly at some of the provisions in the bill in the sense that I think, what do I see when I look at my part of the province, when I look to the traditional timber, sawmill and related manufacturing operations? I see some interesting things. I'm now talking about the Ottawa Valley. I see smaller operators going out of business. I see one of the deepest sets of pockets in the nation, the Irving empire based in Saint John, New Brunswick, leaving the field. I see some consolidation around some of the older family-owned operations. I should be careful; I guess I'm getting close to a conflict here. Somebody will draw me into a line. But perhaps most interestingly, I see a growing number of large Quebec-based operations increasingly dining out on the Ontario crown timber reserves in northeastern and eastern Ontario.

In another life, I probably could do an interesting analysis about—these are good people; I know them. I sometimes imagine, how likely would the reverse be? Can you imagine Howard Hampton Forestry Inc of Mattawa, Ontario, dining out on the crown timber reserves in la belle province de Québec in 1994? I rather doubt it, but it is an interesting phenomenon, perhaps no more than that.

I wonder about what is going to happen in the next few years if we see some of these larger conglomerates consolidating and then starting to meet the mom-and-pop operations that the member from Victoria, for example, was talking about. I have an idea of how that contest is likely to be resolved. However, that is all into the future.

As I say, it is hard to be opposed, and I am not opposed, to the sustainability of crown forests. It is hard to be opposed, and I am not opposed, to good forest ecosystems. It is hard to be opposed, and I could never be opposed, to a responsible minister of the crown approving a forest management plan only after he or she is satisfied that the test of sustainability is met.

As someone who believes in the importance of good public policy, I could never be opposed to something as euphonious and as cuddly as a forest renewal trust. I just

sort of expect to see the bear—what was the bear's name? I sort of expect Smokey the Bear to walk off the pages of the bill.

Hon Allan Pilkey (Minister without Portfolio in Municipal Affairs): With all you know, I would have thought you'd know that.

Mr Conway: It's amazing what I don't know, Allan.

These forest management boards—I mean, I fantasize about what my friend Elie could do with a forest management board.

Hon Mr Philip: That's not something I fantasize about.

Mr Conway: Looking at you and listening to this treasury bench drives me to fantasies of the most peculiar kind.

I simply say that it is my intention to support in principle Bill 171 and to watch with real interest the unfolding of this brave new world, because I think it is full of opportunity and perhaps even a little bit of controversy. But I wish the minister well in this and other new departures in which he is happily engaged.

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The Acting Speaker: I thank the member for his comments. Questions or comments to the member?

Mr Brown: I would like to thank my colleague the member for Renfrew North for his intervention in this debate and to echo what Mr Conway was articulating far better than I: the problem we are going to have on the smaller crown land unit. I look to my own area, just so the minister has some appreciation of the problems we have. As I said before, I think the FMAs, while a difficult negotiation process, are a piece of cake compared to dealing with the crown land units.

The specific example I want to give you is the problem we've had with jack pine budworm in the area, where the forest management agreement holder decided it was absolutely necessary that the forest be treated. The FMA holder ended up coming away with virtually nothing in terms of financing from the government, although some expertise and some Bt that was in stock, but because the FMA holder thought this was important and that those trees he would like to harvest in the future, he spent his own money.

Immediately to the north, and I believe probably in Mr Bisson's riding in Cochrane South, there are 10,000 hectares in identical shape. The minister says: "I've got no money. I can't do it. It should be done, I agree, but I've got no money. I can't do it." But that area is going to be in a crown land management unit. It could still be that there would be no money. It is in the same ecosystem, it is the same forest, and yet it may not happen. Again I would just say to the minister that as we go through this process, it will be very interesting to see how the ecosystem approach and the boundaries of these various units work out.

The Acting Speaker: Further questions or comments? Seeing none, the member may wish to respond.

Mr Conway: Just in summary, I have no great difficulty with the broad concepts contained in the bill. In

my part of the world, management of the crown timber resources is enormously important because they are the economic lifeblood of most of the communities that I am happy to represent.

In my part of the world, our problems at the present time are too much capacity chasing too little quality material: a private and, more particularly, a crown timber stand that is replete with low-level materials. The question is, how do you structure forest management agreements or anything else to make it economically worthwhile for Lankin and company or anybody else to go in and harvest responsibly with a view to sustainability and ecosystems and all the rest what is now in the bush of north Addington or south Renfrew? That is a very real issue. How do you provide for a suitable framework and security of tenure so Lankin and company are going to go and try to raise the millions of dollars they are going to need to do the job that has to be done? The whole question of security of tenure is enormously important, as I know the minister knows.

Those are the issues that face the nation. Those are the issues that are not going to go away by virtue of any new framework, however good it is. That's going to take real political will. It's going to take discipline. By that, I mean it's going to take some tough love over time, because it took us a long time to get into the corner we're now in. I want to say, in fairness to the current government, you had little to do with getting us into this situation. If there ever were sins for which the Tories largely and the Liberals to some extent are to blame, it's these problems. But I'm telling you, we face some very tough choices and we're going to have to get on with it.

The Acting Speaker: Any further debate on Bill 171? If not, the Minister of Natural Resources may wish to make closing remarks.

Hon Mr Hampton: The parliamentary assistant has already made some remarks. In response to some of the members earlier, some of the critics asked if I could give an outline of potentially how much funding was available for silviculture this year. I can tell them that it's expected that the forest renewal trust fund will bring in \$60 million this year. We have agreed with the existing major forest companies in the province to provide transition funds of \$20 million. We expect that an additional \$35 million will be put into another special fund which will eventually become part of the forest renewal trust fund, but the legislative mechanism is not there yet to do that.

In addition, MNR received this year, as part of its core silviculture, \$68.1 million, and we expect the forest futures fund to have \$6 million at the end of this year as well, which will give us a total of \$189 million this year for forest renewal. That is significantly more than we have been able to set aside for a number of years previous to this.

As well, I can tell the member that part of what we're trying to accomplish here, both through the act and through the new business relationship, is a working relationship with the major forest products companies which will allow them to achieve greater efficiency in the forest through some of the integration of forest harvesting and forest regeneration. We think we'll actually be able

to accomplish more with the money we have available.

I'd like to thank all the members of the opposition for taking part in the debate. I can tell them that we will be finishing the work on the manuals and the regulations very shortly. They should have all that material before this goes to committee and they should have plenty of time to do the reviews and to work on that.

I wanted to say to the Conservative critic, who raised the issue of private land forestry, that we'll be bringing to the House some time later this fall a template for private land forestry. I would ask the assistance of all the members opposite, because this is certainly an important issue. We felt we had to deal with the crown issues first. Once we've succeeded with those, we intend to work on the private land issues.

I thank the members for their participation and for their helpful criticism.

The Acting Speaker: Mr Hampton has moved second reading of Bill 171, An Act to revise the Crown Timber Act to provide for the sustainability of Crown Forests in Ontario. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

Hon Mr Hampton: Madam Speaker, I believe this should go to the general government committee.

The Acting Speaker: So ordered.

PLANNING AND MUNICIPAL STATUTE LAW AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT DES LOIS EN CE QUI CONCERNE L'AMÉNAGEMENT DU TERRITOIRE ET LES MUNICIPALITÉS

Resuming the adjourned debate on the motion for second reading of Bill 163, An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes relating to planning and municipal matters / Projet de loi 163, Loi révisant la Loi sur la planification et l'aménagement du territoire de l'Ontario, la Loi sur les conflits d'intérêts municipaux, et modifiant la Loi sur l'aménagement du territoire et la Loi sur les municipalités et modifiant d'autres lois touchant des questions relatives à l'aménagement et aux municipalités.

Hon Fred Wilson (Chief Government Whip): Madam Speaker, I believe there's an agreement among the House leaders that when the Speaker calls for the vote on this bill, the Speaker shall see the division and shall defer the vote until immediately following routine proceedings tomorrow.

The Acting Speaker (Ms Margaret H. Harrington): Is it agreed?

Mr Sean G. Conway (Renfrew North): May I just ask a question? I just love the politics of the foregone conclusion in the last few days of the sitting. Is it the expectation of the chief government whip that we will conclude the second reading debate on 163 tonight? Is that the plan? I don't know what's been agreed to.

Hon Mr Wilson: That is the agreement, I believe.

The Acting Speaker: Is it agreed? Agreed. We are

now resuming the adjourned debate on Bill 163. Further debate, in rotation.

Mr Bill Murdoch (Grey-Owen Sound): It is ironic tonight that I actually came down to speak on Bill 91 and the government figured out this afternoon that they hadn't voted on 91 so they couldn't really talk about that tonight; they had to have a vote. So they had to change orders and bring in 163, which is another important bill that we have to debate here in the House.

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Bill 163 is a municipal bill. It seems that the government has a whole lot of legislation before it and wants to stick it all into one bill. We have planning issues in this bill, but also the conflict of interest in this bill. It seems to me that if the minister really understood the bill and maybe had read the bill, he would have decided to split this bill into two different parts. But I guess we have to deal with the bill that's in front of us, and it happens to be Bill 163, which is part of the Sewell report—I guess all the Sewell report, for what it's worth—and our conflict of interest.

If you look at this bill, I think what the government is up to is that it's trying to get rid of municipal government. There's no doubt about it. We've seen in the past what they did in the Ottawa area, where they took our mayors off regional government and now they've almost made municipal politics redundant in the Ottawa area. Then we have the London-Middlesex area. The government just went around any planning acts there and brought on what it wanted, not what some of the municipalities wanted. It just overrides anything it doesn't like and carries on.

Now they've brought in Bill 163. It makes me believe this government across the floor says: "We can do a better job and we don't need municipal government any longer. We might as well just get rid of municipal government."

First of all, as we know, they sent Sewell, at quite some expense, through rural Ontario, a person like Mr Sewell, who probably couldn't find his way out of Toronto unless somebody put him in a car and took him out. And then we have a lawyer who's probably never been outside of Toronto, maybe looked at a few duck ponds, but that would be about all she'd ever done. Then we had Mr Penfold. If there was any credibility in the whole commission, Mr Penfold did give it some credibility, but he has stated since then that he's not quite sure that what they did was right. I think we really have a problem with this Sewell commission that went around, and the government takes great pains to tell everyone it consulted.

We've seen before that they love to consult, but they don't listen. The biggest problem we've had through the four-year regime of this socialist government is that it goes out into all kinds of areas and tells the people, "We're here to listen, we're here to consult," but it doesn't listen. This is the problem.

As I've said, we spent considerable money sending out someone who practically ruined Toronto, and Toronto was lucky to get rid of him, and then they tried to send

him out through rural Ontario in the name of the Sewell commission to try to tell rural Ontario how they're going to do their planning. We end up with Bill 163.

On the other hand, they sent out another commission to look at the conflict of interest, and they didn't listen to them either. When they came back with their report, they changed everything around and came in here with all their recommendations, 100-some pages of recommendations, and tried to ram it through the House.

One of the good things you could say is that it is going to go out to committee this summer. We'll have to make sure that all the municipalities are out to these meetings—hopefully, the government is listening over there—and that they travel all over Ontario, northern Ontario and rural Ontario as well as large urban Ontario, so they can hear from everyone out there.

I've heard from the minister that there is corruption in municipal government and that the conflict of interest is going to help solve this, but I don't really think he understands rural Ontario. You might have corruption down here in large urban Ontario, I'm not so sure.

Hon Ed Philip (Minister of Municipal Affairs): I only worked for the Federation of Agriculture.

Mr Murdoch: The minister tells me he worked out in rural Ontario, but I guess you misunderstood, because I don't see a lot of corruption out there. I was involved in rural Ontario municipalities, and there wasn't any.

With these rules, you're going to discourage people from running for municipal politics. In some small places, in some of the small urban centres and some of the small rural centres, they sometimes have a hard time getting people to run for these jobs. Now you're going to make it worse. You're going to put in controls and rules and regulations that will say, "Hey, there's no sense in running."

I want to comment on some of the comments that were made before me. Al McLean spoke quite well and put in a lot of the concerns of a lot of the people. We had Ron Eddy, and you can't find somebody who doesn't know more about—

The Acting Speaker (Mr Noble Villeneuve): I would ask the honourable member to refer to honourable members' ridings as opposed to their names.

Mr Murdoch: Now, Mr Speaker, you're going to make me look on the form to find out which ridings they're from, but we'll talk about the member for Brant-Haldimand. He spoke quite eloquently about some of the concerns rural Ontario has, along with our member from Simcoe. We also had our member for Dufferin-Peel speak on it. They put in a lot of the concerns, and I won't go over them again, that rural Ontario and the small urban municipalities have with this bill. They're trying to tell the minister, but again he doesn't listen. He says there's a lot of corruption out there and things like this, and we've got to bring this bill in to clean things up.

There are some good things in the bill, but the bad things outweigh the good things. I hope the minister—now he's going to leave. Maybe he doesn't want to listen to me. That's unfortunate, because out in the hallway he certainly would listen to me. And then he tells me that if

we come in and speak against this bill, he'll be quite upset because he can't see what's wrong with the bill. The problem is that I don't think he's read the bill understands what's in it himself. I'm sure that when this bill goes out for committee work, he's going to get a real earful from a lot of the municipalities.

The minister also tells us that AMO and ROMA and NOMA and people like this all support this bill. Well, I've got to tell you, they tell me something different. They tell me they don't support this. I talked to the past warden of Grey on Friday night at a function. He's on a committee that's been looking at this bill, and he said they have grave concerns about this bill, but that there are some good things. We know there needs to be some cleaning up in the planning and things like that, and no one's against some of the conflict-of-interest rules, but they're not in favour of this bill as it sits.

The bill should have been taken in two parts, at least: the Sewell stuff and the planning stuff on one side of the bill, and then another bill brought in for the conflict of interest. Unfortunately, as I say, the government probably couldn't figure out how they'd do that, and they know they're not going to be here too much longer so, "Let's ram this one through now; we can get it through and out to committee this summer and then bring it in in the fall and pass it before we leave the House." That's what they must be saying to themselves. It's the only thing I can see, anyway, that they would want to do.

We have a lot of concerns about this bill in rural Ontario. This fall we're going to have municipal elections, and we want good people to run for our municipalities. We need good people out there. Municipal government is the closest government to the people, there's no doubt, far closer than anyone here is, and we certainly need those people to run. But under Bill 163, I'm afraid we're going to have a hard time getting the good people to run. In some municipalities they hardly make any money at all, and they're going to make them disclose what they make in their business at home, what their wives make in their business, what their kids make.

They're getting carried away over here. As I said, it looks to me like this government is trying to figure out a way they can get rid of municipal government. Then all they have to do is have the one-tier government here at Queen's Park that can look after everything. We've seen that in many other bills. They've gone on and on about how they could look after things. Take rent control: They said, "If you don't want to have rent control, we'll supply all the housing as the government."

What they're trying to do now, through Bill 163, is say to the municipalities: "We really don't need you either. We can control everything here. We'll make it so tough on you that you won't want to run."

As I said before, the other members who spoke on this bill some time last week brought up all the different things in the bill that the people in rural Ontario and small urban centres are upset with. They feel that maybe this bill should even be thrown out. I'm sure that after we go out on some of the committee hearings, they may wish they had thrown it out before they took it out there, because they're going to hear from the municipalities and

they're going to be told what they think about this bill, and I'm telling you, it's not going to be nice. But if that's what they want to go out and hear, I guess we'll have to let them do that.

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I'm certainly not going to vote for this bill. I'm sad to see that they brought in a bill like this, because we did need some controls, we did need a new bill on planning, but we didn't need to have what Sewell ran around and tried to tell us. We found out that Sewell didn't even know that septic tanks work in rural Ontario.

Now it's saying that you will need an environmental assessment to get one severance. They're going to take the whole process and make it so difficult that there will be no development in rural Ontario. They talk in there about no development on number 1 and number 2 farm land. Well, that's a good idea. We've always supported that on this side of the House, and I think all three parties have. But you have to look at where number 1 and number 2 farm land is. In some cases you can have so much stones and rocks in number 1 farm land that no one will ever farm it, but unfortunately they're going to try to make the rule: "It doesn't matter, it's number 1 farm land; you're not going to be able to use it." They're not going to look at any commonsense approach.

That's been the whole problem with this government: They haven't used a commonsense approach ever since they got elected. As you know, we do have a commonsense approach on this side of the House.

Mr Gordon Mills (Durham East): It's nonsense on that side of the House.

Mr Murdoch: I'm glad to see that some of the other members have finally woken up and are starting to listen. Maybe they need some common sense over there. They do like that word. Maybe some of our common sense over here will rub off on them and they can use some common sense in their closing days as government. They haven't got too much time to go. They could use some common sense over there in some of the bills they're bringing in, like the bill we were going to debate tonight, Bill 91. That would be one bill they could get rid of that would make common sense. We don't need to unionize our farms, as you know, Mr Speaker, but obviously this government would like to do that. Just another poor bill like 163, just another poor bill they've brought into the House. We could go on and on about the poor bills they've brought into this House, just like 163.

In closing, I would just say that I hope this government listens to some people. This time, when you go out and consult, please listen. You've never done that before, unfortunately. You go out and you consult and you say, "We're out there consulting," but the thing is, when you consult, you have to listen also. That's your problem: You never come back and change anything. You've already made your mind up before you went out there.

Hon Richard Allen (Minister without Portfolio in Economic Development and Trade): Prove that.

Mr Murdoch: What do you want me to do, list all the silly bills you've brought in? That wouldn't be hard to do, but I don't think we have all night for me to tell

you all the bills you didn't listen to people about.

What I'm telling you on this bill is, please go out and listen to the municipalities. Minister, I'm glad to see you're here listening to me. I hope you will make the changes that will be asked for, and you know there will be a lot of changes asked for. You may even want to change this bill and put it into two parts. I would support you doing that, taking the bill apart.

I thank you for listening to me, and I'll listen to the comments.

Mr Pat Hayes (Essex-Kent): I appreciate the member showing us that he doesn't know what's in the bill.

The member for Grey-Owen Sound raised a couple of issues. He talked about the consultation. The consultation was very widely spread over a two-year period. After it was wrapped up, this government adopted just about every one of those recommendations out of the report. The other thing is that we sent out 28,000 documents involving 65 different stakeholder meetings and—

Mr Chris Stockwell (Etobicoke West): Stakeholders? Any animators or facilitators?

Mr Hayes: Not pork choppers like you; stakeholders—and received 600 written responses.

Mr Murdoch: Is that unparliamentary, "pork chopers"?

Mr Hayes: I noticed that a couple of the members spoke the other night more or less indicating that the smaller municipalities should be exempt, especially when they talk about conflict of interest and how it's going to scare away future municipal politicians. Just for the members' information, 40% of the conflict-of-interest court cases came out of municipalities of less than 5,000.

Mr Stockwell: Yes, and what percentage do they represent?

Mr Hayes: Under 5,000. What do you consider a small municipality?

The member talks about this piece of legislation as three pieces in one. It's certainly going to streamline the planning process, and it's going to mean open local government, which some municipalities haven't had, and it's going to make not only the local municipalities accountable but also give them more authority to implement government policy, which they haven't had for many years: good black-and-white policies.

Hon Mr Philip: I couldn't help but hear the honourable member take the name of the member for Brant-Haldimand in vain. If he was associating his own views with that of the member for Brant-Haldimand, certainly it wasn't the kind of speech I heard the member for Brant-Haldimand give, which was a thoughtful speech, which was a speech that showed insight and that showed some knowledge of what was actually in the bill. On behalf of the member for Brant-Haldimand, I just thought I should point out some of the differences.

It's regrettable that every Conservative member who has spoken has been against our moving towards a more open municipal government. We did of course, as the member knows, get numerous requests from Grey residents asking for a commission of inquiry as a result

of a whole severance process that was outlandish, to say the least, in his own area, but I can tell you that of the 300 to 500 requests we get, they come not just from the large cities but many of them come from the very small municipalities.

If he wishes to protect the vested interests of some people who may want to protect and hold meetings in private, let the Conservatives do that. That's the position of the Conservatives, in the same way that they don't care about the environmental procedures in the bill, but then why would one expect the Conservatives to protect the environment? It was Morley Kells, a cabinet minister under the Conservative government, who said that PCBs might kill rats but they were probably okay for people. That's the kind of environmental policy the Conservatives have. I say that the people of Ontario want open government.

Mr Ron Eddy (Brant-Haldimand): I welcome the opportunity to comment on the member for Grey-Owen Sound's views. He has a tremendous interest in municipal government and the procedures that affect municipal government. He spent a number of years, I understand, in municipal government and has confided to me on occasion that he hopes to return to that forum some time in the future.

I was anxious to hear his views on municipal government and the act we have before us. I agree that the act would be better as at least two individual acts, for many reasons. The disclosure of the pecuniary interest portion of course is very important, and I think he would agree, as we all do, that open council meetings are most important for the citizens of our municipalities. Most elected municipal people really want that. It certainly is an advantage, as I see it, for municipal councils to do their business in public so that the people they serve know not only the decisions but the reasons for the decisions.

But I have the same concern about the strength of the provincial policies and that all local planning decisions must be in conformance with those policies. I don't think it leaves enough leeway for individual situations and problems and solutions that could be worked out locally by locally elected people, because the councils are a responsible level of government, responsible to the ratepayers, and of course have to stand for election more frequently than we do in this House.

Thank you for your comments and the seriousness with which you treat the importance of municipal government.
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Mr Stockwell: I guess the proof will be in the pudding when we go out into committee and hear the comments by those people who will be affected by this piece of legislation. If those people come forward and suggest that this piece of legislation could not be amended or changed in some fashion, then I suppose the minister's right. I'm willing to wager that those people who come forward during these committee hearings will in fact bring forward the same concerns and frustrations that the member for Grey-Owen Sound and others have brought to this Legislature.

The comments made by the minister just continue to

underwhelm me, and I suppose others. His comparisons and narrative expressions are certainly frustrating to me on this side of the House and certainly to the member for Grey-Owen Sound. You never cease to amaze me, the level you can stoop to when wanting to personally attack a certain member with respect to his home municipality and decisions he made.

Mr Kimble Sutherland (Oxford): He attacked Sewell. He attacked Penfold.

Mr Stockwell: When I talk about John Sewell, I talk about John Sewell and his attitudes and changes towards planning. I never attack John Sewell with respect to his personal integrity. I think he's a fine man and he's done fine work. But the comments made by the minister were not in that vein and should be seen for what they were. Mr Minister, you'd do everyone in this room a favour by not making those kinds of near-slandorous comments about some members.

Further, I will say that when we go out on committee, I hope this minister comes with us, because then you can show to all the people of the province of Ontario your in-depth understanding of municipal politics, your in-depth understanding of the Planning Act and your in-depth understanding of all the issues that affect local councils and the concerns they're bringing forward. May I suggest, Mr Minister, your in-depth understanding of these issues is about one inch, as far as I'm concerned. When the people out there see, when these issues are brought forward, they will understand this legislation and understand it to be onerous and unfair to local elected municipal officials.

The Acting Speaker: This completes questions and/or comments. The honourable member for Grey-Owen Sound has two minutes in response.

Mr Murdoch: First to the member for Essex-Kent, I appreciate you telling me about all the money you spent on this Sewell report and all the reports. The problem is, you never listen to any of them, just like I said. You told us about all the money you spent on all those great reports and everything. The trouble is, you don't listen to them. I have no problem with you trying to find out what's going on, but the problem is that you don't listen to them.

Referring to the member for Brant-Haldimand, I don't know of anyone else in the House who knows more about municipal affairs than that member. When I was talking about what he said, I meant that he said it in the same vein as this party, as did the rest of the speakers in his party, who told you that you'd better start to listen to some things. That will clear up a couple of things.

The other point is to the minister. When he made some accusations about letters from my riding, was he indicating that there is some conspiracy in my riding, that there is some conflict there and some bad politicians there? Is that what you were trying to tell the people of Grey county, that the municipal politicians aren't good people? Is that what you're indicating? You seemed to get up and say you had all kinds of letters from Grey county that said there were problems.

Hon Mr Philip: You knew that.

Mr Murdoch: That's what you said, Mr Minister, and that's fine, if that's what you're indicating. If the Minister of Municipal Affairs says the people in Grey county are corrupt—

Hon Mr Philip: I didn't say that.

Mr Murdoch: —if that's what he's saying, then that's fine, because he'll pay for it. I hope when the committee comes to Grey county that he certainly does come and sit on the committee, because then he'll find out what the people of Grey county have to say to him and he may not be too happy with that.

I'll wrap up and say that I just hope that when it goes out to committee, the government of the day will listen to the people of Ontario, for a change, instead of just ramming things down their throat.

The Acting Speaker: Further debate?

Mr Conway: I want to join this debate, because I have to say that in Renfrew county Bill 163 is certainly an issue that is very much top of mind with a lot of people in local government, and I dare say before too much more time has passed, it will be top of mind for a lot of people on Main Street.

Let me deal firstly with the sections dealing with municipal conflict of interest and the rules that are contained in the bill to open up the process. I think I understand what the government intends, and it's hard again to quarrel with that, but I must say that the remedy in terms of disclosure, which makes entirely good sense in larger communities, will have an enormously controversial and largely counterproductive result in the small communities. In that I agree with the member from Grey.

I've already had some very fine people who are the acme of integrity tell me they are getting to hell out, "Because I'm not going to live with this." They're simply not going to live with it. I have tried to argue the government's case. Some of these people I know really well and, believe me, they are exactly the kind of people you want, and they're getting out, for a variety of interesting reasons.

I grew up and still live in small-town Ontario. I live in a big town now, Pembroke. I grew up in a place much smaller than that, in a family that was very much involved in politics. I really am worried about Bill 163, not because its intentions in this respect are bad—to the contrary; they're very good—but they are going to have a devastatingly counterproductive impact in many, many of the smaller municipalities.

The county of Renfrew, which I am pleased to represent in part, with my friend from Lanark, has 36 municipalities. Over a score of them have fewer than 500 or 600 people. Have you any idea of what it is like to do business in the township of Brougham where there are, what, 300, 400 people and they're all related one to the other, and where they have all essentially been there—

Mr Murdoch: They'll know what they all make now. They'll have to release it all.

Mr Conway: I don't want to get into that. The difficulty I have with that provision of the bill is that it fundamentally ignores the rhythm of rural communities.

Let me say again that I totally agree with the notion

that we should be open, and I probably can be as tough and as miserable about corrupt practices as anybody. Some people might say I am unreasonable on that account, I know some of my own colleagues. I do not profess to any sainthood in this. I try to govern my life by that old adage that it is a useful thing to remember that "All saints have a past and all sinners have a future." I think that's very wise counsel.

Hon Mr Philip: That's a consolation.

Mr Conway: I'll mention a couple of examples, just to focus your mind about this interesting business.

If you've never read Edwin O'Connor's wonderful novel *The Last Hurrah*, do yourself a favour some day and read it, read about Francis Skeffington. And you'll say to yourself: "But that was Boston in another era. It couldn't happen here or now." Well, we have the Gentile case in the city of York, but we've got a better case in a fairly large community. I know the Minister of Energy will remember. Does anybody remember the late Merle Dickerson? I remember Merle well.

Merle Dickerson was for many years, through many terms, the mayor of the city of North Bay. I can't imagine a more Main Street community in Upper Canada than North Bay. Seriously. North Bay, 50,000 people, and Merle Dickerson was mayor of that happy burgh for many years. It was said of Merle, not just when he ran municipally but when he ran provincially for the Tories and nearly beat my late, sainted friend, R.S. "Dick" Smith in 1971, that he was given on occasion to questionable and perhaps even corrupt practices.

You know what? One day they laid charges and another day they made those charges stick in the district court in the district of Nipissing, and Merle Dickerson, as I remember that, was ordered removed from office, an office he had just won for an umpteenth time. He was told he could not run for some years following, and I'll never forget the image. Defiantly, Merle Dickerson stood on the front steps of the district courthouse in North Bay and said, "Like General MacArthur, I shall return." And you know what? Unlike General MacArthur, he did, and he did it with the support of the electors of North Bay, who presumably knew what they read in their paper and knew what the court had found.

Mr Stockwell: Hazel McCallion.

Mr Conway: I don't remember the McCallion case.

Hon Mr Philip: She hasn't been charged. There are no charges against Hazel.

Mr Conway: I don't know any of that. I know that one case.

Do you remember the case of Billy Joe MacLean? Just to make the point, do you remember the case about Billy Joe MacLean? Billy Joe MacLean was a very good friend of the former Conservative Premier of Nova Scotia, John Buchanan. Billy Joe was an elected member of that Legislature. He was convicted of some kind of practice that was not legal.

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Hon Bud Wildman (Minister of Environment and Energy and Minister Responsible for Native Affairs): It was his expense account.

Mr Conway: I think that's right, and they had a tremendous foofaraw about what to do with him, because he wouldn't leave. Then they passed a special bill of the Legislature. I think Pat kicked him out. Then there was a by-election, and this is the part that I like. There was a by-election, and you know what? Billy Joe was re-elected. And then there was a general election about a year later, and you know what? Bill Joe got the boot.

I remember saying to one of my friends in Cape Breton, "Can somebody explain to me what that was all about?" And you know what it was all about? Of Billy Joe's malfeasance there was no doubt; that was not an issue. So I said, "What was the issue in that by-election?" "Oh," my friend said, "The issue was, was Cape Breton going to be kicked around by that bunch of highfalutin, Haligonian elite? And the answer to that in Cape Breton was, irrespective of your politics, 'Nyet, a thousand times nyet; send Billy Joe back to make a point.' And once that point was made, of course we agree he was bad and we want him out of there too, but first things first."

That's not Alabama in the 1890s. That's Nova Scotia in the 1980s and Ontario, North Bay, in about the late 1970s.

Hon Philip: What about Wardle? He wasn't re-elected.

Mr Conway: Let me be ecumenical. I think I've picked on a Tory and a Tory. The member for Peterborough is here.

Hon Mr Wildman: What about the case in New Brunswick?

Mr Conway: Oh, there are several. I think of Art Raume, the sainted former Liberal member, former mayor of Windsor. If I remember that case, Les Frost was causing a judicial inquiry into poor old Art Raume about every two years, and every two years they'd find something even more exotic, and every two years he'd be re-elected both to the Legislature and to the mayor's chair in Windsor.

Is there anybody who remembers our old pal—Charlie Beer might—J. Earl McEwen? When I was a graduate student at Queen's University, Claude Bennett's brother was rumoured to be the man beneath the judicial inquiry into the affairs of J. Earl McEwen, and it was quite an inquiry. It's worth reading the report. The next thing I know, he was swept up with the Liberal integrity in government campaign in 1975, and we had him in caucus for nine unforgettable years.

But the point of all of those stories is, whether it was Port Hawkesbury, North Bay or Frontenac-Addington, good, sane, Canadian Democrats, for whatever colourful reason, decided to send them to those places, quite breathtakingly, I thought, on a number of occasions, but who am I, whether I'm with CBC Halifax, Alexa McDonough or Toby Vigod or anybody else, to say, "You know, maybe it shouldn't be?" I might agree in theory that it shouldn't be, but in practice, for some wonderful reason, it was to be otherwise.

The point I make in all of this is that we ought to be a little bit thoughtful about the way in which we proceed. Yes, there are problems. There is no doubt.

The member for Peterborough is here. I remember and I often wonder what happened. I knew Paul Rexe just by reputation. I always thought Paul Rexe was a wonderful guy, and he got tangled up in a terrible conflict-of-interest thing. The thing I remember about that was that the poor man was ruined financially; there was a huge bill, I read some place. I think Paul was a good New Democrat—I didn't know him personally—but he got caught somehow in some set of rules, and I thought, "I'd like to know more about that." Maybe the member can correct me; I might have it wrong.

I just have been around politics a long enough time that I've seen some things and I say to myself that yes, there is a problem and we have to deal with it, but let us try to deal with it in a way that moves the yardsticks forward.

I heard the other week a wonderful lecture. I sometimes think we should call her to the bar of this chamber or, better still, to a cabinet meeting and a caucus meeting. Her name is Nicole Morgan. She is a professor of public administration, now teaching at Queen's University, and she has a very interesting lecture to give about how increasingly governments—her specialty is the government of Canada—are going about making policy not understanding for the moment the consequences, the difficulties of the implementation; that we are all, to use that wonderful Clintonian phrase, "policy wonks," and there aren't too many people around any more who think: "All right. Now how is this going to work?"

The interesting thing is, I sat around listening to those people in those small rural townships telling me why they were getting out because of this proposal. It bothered me a great deal, because they were the very people you want to keep in. That's not the way they saw it, and they had a very interesting set of reasons for getting out.

Now, I worry about that. I know that's not the minister's intention, but that appears to be, in my county, 36 townships, two school boards—a lot of people required to run local government. A lot of good people are telling me: "I'm out of here; I'm not going to live with this," because in my little township, this is, in my view, an unreasonable burden.

One of the reasons it is, quite frankly, and it might surprise people living in larger urban centres, is that if you live in a township of 300 or 400 people—now, I know there will be some people who will think, "Aha, I know the answer to that problem: amalgamation." You know what? I'll tell you, I once believed privately that maybe some of that made some sense. I certainly, as a former Education minister, got to live with some of the interesting costs and benefits of consolidated school boards.

I'll tell you now, I have a cottage in the united townships of Brudenell and Lyndoch, population again less than 1,000. I would fight like hell, if I lived there on a permanent basis or even on a seasonal basis, any plan for amalgamation. I would not necessarily fight against some service deals.

But, you see, too many academics, too many bureaucrats and too many politicians have oversold the benefits of amalgamation. We have delivered less than we prom-

ised. Invariably, on the street, in many of these arrangements, after a while—and I think it's borne out by the data—all the citizen knows is that her costs have gone up, her service has gone down. They believe it. Sometimes it may not be entirely true, but by and large it is true.

Mr Jim Wiseman (Durham West): Get rid of regional government.

Mr Conway: I don't have regional government in my area. I hear that criticism from a number of people.

But I'm going to tell you, we have a real problem with credibility. I thought the government took an unfair rap on this Substitute Decisions Act, quite frankly. That was an incredible little firestorm, and I thought, "Where is this coming from?" A lot of that had nothing to do with the issue per se, but it was a complete lack of trust.

We got caught with a couple of programs. Bill 8—I'd better be careful. But program administration with Bill 8 was rather different in reality than many of us who designed the plan thought, and boy, did we suffer in the affected communities, because what we thought we were doing and what we were seen to be doing were different and sometime contradictory.

I'm telling you, we've played that game, all of us, just about as long as we can play it. And I don't disagree with the minister that it's important to get at the bad actors. I think you should throw the book at the bad actors. As I say, when judges have sometimes thrown the book at bad actors, the people say, "We'll send him back."

I don't know how many of you are watching the Rostenkowski issue in Congress. That is just unbelievable to me. Talk about one of the great pillars of American politics. The indictment has been preferred. If you read the indictment against one of the most powerful congressmen Washington has seen in 40 years, it is unbelievable. I mean, this guy is 40 years in Congress. He's the chairman, and has been for 15 years, of the ways and means committee and is probably is one of the four or five most powerful people in Washington, and you look at what he apparently did. This is not some fool from some backwater; this is Danny Rostenkowski. If you want to talk about ethics—and he did that in Washington under the glare of the most focused media attention in the world.

Apparently, people talked to him about it and it didn't change his behaviour. Part of the answer, I suppose, is, "Well, that's the way it was done in Chicago in his formative years in the 1950s." Maybe. But this is the 1980s and 1990s and the indictment talks about hundreds of thousands. If you haven't read it, for any of you interested in ethics—as I say, this is an enormously powerful guy in the front line of every major fight. You'd think, if there's somebody who's got motivation and reason to be clean, it would be a guy like that. Now, the court case will be the court case, and we will see what we will see.

My point in all of this that I think the minister should revisit those sections of part II, is it, dealing with disclosure. The thing that seems to me to be sensible is to draw a line and say—I know it's going to violate certain

canons of something or other; I'm not sure what, at 10 o'clock—and say, "Let's put everybody into the same set of rules." But I'm going to tell you—

Hon Mr Wildman: You're saying 5,000 and over.

2140

Mr Conway: Maybe that's not the right line.

Hon Mr Philip: That would remove three quarters of all municipalities.

Mr Conway: And maybe it should. Maybe it should, because the interesting thing about some of my small townships is that there is an in-built protection that's not there in larger communities. In Bruce Mines they probably have a pretty good idea of just what's going on. They may not know everything, but I'm going to tell you, if Wildman is running the local hardware store and he's on council and people start to notice—there are certain local tolerances, but if he decides to hire his neighbour—I mean, I see it. I've heard it over the years. There is a certain immediacy to the local democracy that's not there in a place like Pickering, not because the people in Pickering are less virtuous; they're just more diffused. They're more suburban. They're more transitory.

Mr Wiseman: They all work for the provincial government.

Mr Conway: And they all work—but that is a very real difference, and quite frankly it's a difference between where I live now in the city of Pembroke than it would be in Moose Creek, because there is a certain intimacy in these small communities that provides certain balances. They are not perfect. Some really remarkable things can happen in some small communities as well. I read the great novels and I think it cannot be so, but apparently it is. I worry, because I think the objective here is a good one. I think the remedy is draconian, particularly for those smaller communities, and it will have, because it is having, a counterproductive result, and I don't think that's what anyone wants.

To the other question of changes to the Planning Act, I was asking Rev Beer, who's always my authority on things religious—what's that old biblical injunction? This is the day the Lord hath made. Well, this is the bill that John and Toby hath written.

I agree with the member for Etobicoke West. John Sewell is a wonderfully eclectic guy, but John Sewell is a very focused individual. He has, to be sure, a point of view. The Toby Vigod I know and admire certainly has a view, and that is as it should be. But some of their views, I think, are of such a nature as to miss certain of the realities of the Ontario that I know.

This is going to be, in its implementation, explosive in my county, and it's going to touch on many of the people the government I think would most want to help.

Let me say again that I've heard the exchanges between the minister and the member from north Grey about some problems. I'm sure there are people, those learned people over there—I don't really know any of them, but they're all good people—who will say: "Conway's here from Renfrew. Let's check the Renfrew file. Oh, yes, yes. He and Murdoch probably would want to be together against some of this."

I'm not here to say that all that's been done in Renfrew is exemplary, but I can tell you that this bill is going to revolutionize the way people live in my county. It is going to have a huge impact on the price of housing in those rural communities. There's no doubt. I've talked to our planning people about the way—the minister nods in the negative. Well, the minister is a wonderful fellow, very learned, very experienced; worked for the federation of agriculture; has, as I remember, certain properties in the Trent River valley that would sensitize him by virtue of experience and ownership to the rhythms of rural life in that part of east-central Ontario. I can only admire the experience that he brings. That was a few years ago, and I don't know—

Hon Mr Philip: And elsewhere.

Mr Conway: And elsewhere. We used to call him the Etobicoke landlord prior to his summons to the treasury bench, and now he's just the honourable minister, but I would not be unwilling to give what few shekels I have to be supervised by the minister, because I have a feeling he is one of those resourceful socialists who knows how to make two bucks out of one—in a very responsible way, I want you to know, Mr Speaker. But the point I want to make is that in Renfrew county this policy, particularly with the application of the various policy statements, is going to have an explosive impact on the way in which people live.

We don't have a great deal of prime agricultural land. In fact, in the upper part of the Ottawa Valley there is a lot of rural land that is not particularly good for agriculture. It grows trees; not the quality of tree that we would like, but with Mr Wildman and Mr Hampton's help, we will get back to some of that.

But I think of some of the places that are up there—I won't sound like Rand McNally tonight, but I can think of all of these little places—where young people are able to get into the housing market because they can buy a rural lot in an area that's not prime agricultural land. They can buy a rural lot for, in some cases, a few thousand dollars; in some cases, more than that. Then they can, over time, with the help of their friends and their family, build a modest bungalow and have it built and paid for by the time they are 35 years of age. They have to do this, you see, because these are people whose T4 slip might be no more than \$20,000 or \$25,000.

Mr Stockwell: Peace of mind.

Mr Conway: It's peace of mind, but it's also driven by an economic imperative. My friend from Haliburton will know of what I speak. Do you know what's already happening as a result of this? Essentially what we're saying to people is that most of that is gone and all development virtually is going to be driven into the urban communities. I'm talking about small urban communities, places where there are services, the villages of Eganville, Barry's Bay, Cobden, Beachburg.

Do you know what a lot is in the village of Barry's Bay or Eganville? It's \$20,000 or \$25,000 now; in the city of Pembroke, it's \$45,000. Do you realize what you've done to some 25-year-old mill worker who is just married, thinking about starting a family and has a \$20,000-a-year job?

Hon Mr Philip: He can buy a lot in Eganville the same way he did before the bill.

Mr Conway: Oh, no. No, he can't.

Hon Mr Philip: Yes, he can.

Mr Conway: The fact of the matter is that you've taken away from him the option that he had of accessing, under certain conditions—and I grant you that in the past there was no doubt some of those conditions were too loose in some cases. But you've virtually taken away from that person, that family, the right to have affordable housing in my part of the province.

Hon Mr Philip: That's nonsense.

Mr Conway: You say it's nonsense. You see, this is where I think any of us in elected office make a terrible mistake, because you're telling people, both as consumers and as local planners and as local municipal people, that they don't know what they're talking about and they're not understanding their lived experience.

Hon Mr Philip: The bill doesn't do that.

Mr Conway: It does do that.

Hon Mr Philip: Oh, no, it doesn't.

Mr Conway: I'm sorry, Ed, but it does.

Hon Mr Philip: Show me.

The Acting Speaker: Order, please.

Mr Conway: Listen, you come and have some of these hearings in Eganville. I'll even buy you a hot toddy on a cold winter night to expose you to my constituents on this account.

There are just too many clerk-treasurers, too many planners and too many other people at the county office who are telling me this. Then I go to these urban communities and I hear from the local people, and it's true: There aren't very many serviced lots left in these places. Then the question is: So, what about the next generation of lots? Oh, well, yes.

I don't really mean this as a criticism of this government. I think it's going to certainly be a criticism for people out there used to the old rules. But the next generation of serviced lots is going to be decidedly more expensive, for the reasons that my friends in the cabinet know. Gone are the days when we can up-front all the subsidies, the 75% or 80% subsidies to communities in Algoma district, probably higher in Algoma than in Renfrew.

I look back and it seems incredible that it's just a few years ago that we were—not just a few years ago; it started with the Tories through the 1960s and 1970s and 1980s. The Liberals and the New Democrats carried on the tradition as money held out, 75% or 80% grants to a whole bunch of communities to help underwrite the front-end capital costs of these services.

Mr Stockwell: Not any more.

Mr Conway: That's gone. I don't think there's any Liberal or Tory who in this fiscal climate is going to be able to say, "Shame on the NDP," because I make this as a general observation.

2150

You get into places like Eganville and Cobden and

Beachburg—there aren't many lots left. In fact, I was saying to people the other day, if my friend Ed, the member for Rexdale, was a private citizen again, I think one of the best investments you could make would be to go out and buy up every serviced lot you can find in these communities, because they're going to be the best investment that you can make.

Mr Stockwell: You can't sever any more.

Mr Conway: You can sever, I gather, under certain limited conditions.

I'm not speaking about Metro. I fly over this urban sprawl that is Metro. I even see some of the sprawl around Pembroke and I've got to tell you, I think I know the concern you have, and it's not altogether a misplaced concern.

Mr Stockwell: It doesn't apply to Metro. The rule doesn't even apply in Metro.

Mr Conway: I know that, but I think I have to say to the member for Etobicoke that the driving spirit for much of the Sewell commission and others was to deal with the kind of sprawl that we saw in the 1980s in places like Metropolitan Toronto or in Ottawa-Carleton or in Hamilton-Wentworth.

I stand here and all I tell you as the member for Renfrew, where we've got 80,000 people living in the largest county in the province—some 3,000 square miles, I think it is, 36 municipalities, many of them among the most rural that you can find in the province, low population densities, very little good agricultural land in the upper part of the county particularly—we're going to impose this on people? I'm going to tell you that you are going to create a firestorm. When people figure out the cost of the new housing, it's not going to be pretty. I think, as the member for Etobicoke West pointed out, the hearing process is going to be important.

I understand the broad policy, the visioning that goes on to bring this about. It's a little more than 20 years ago that John White—my friend from Orono will remember John White, one-time Treasurer, one-time superplanner, the member for London South—was driving down the 401 one day and he said, à la Martin Luther King: "I have a dream. I have a dream that some day and not far from now there can be built on the north shore of Lake Erie, down there near a little place called Jarvis, a new city, a perfectly planned city that will be an absolute joy to behold.

"I have a dream," he said. "I have a dream that we can plan a new Ontario in that part of the province that will be a magnetic invitation to everyone." John White had a dream—

Hon Mr Philip: And now only Ron Eddy lives there.

Mr Conway: —and now only Ron Eddy lives nearby. I just say, as I take my seat, that this kind of dreaming, that kind of visioning, to use that wonderfully felicitous phrase—

Mr Wiseman: Don't forget Davis's dream in North Pickering.

Mr Conway: Davis's dream? But listen, we've all had them.

Mr Stockwell: I had a dream and you guys got elected.

Mr Conway: It's late, but that's a good line.

I say on behalf of the people I represent in the upper Ottawa Valley, not just the citizenry but their elected officials and planning staff and others, that this bill has within it some enormously destructive and negative impacts, particularly upon the rural communities where among other things you are going to restrict the access of working men and women to affordable housing in rural environments. No matter how good your intentions, you are going to be judged by your results, and the results are going to be tragically painful and negative. I hope the hearing process wakens the minister and the government eyes to that developing reality.

Mr Stockwell: I certainly applaud the member. I enjoyed his comments with respect to this bill. I'm kind of shocked, actually, that a socialist government brings forward this kind of legislation. As I dealt with them in the municipal world, they often talked about bottom-up planning and the importance of neighbourhoods and the importance of communities planning communities and neighbourhoods planning neighbourhoods, and it was the beauty of democracy that allowed orchestrated groups within communities to say no to some things, yes to others, and all the good things that went along with it.

I remember that, as I said in my speech earlier last week, about John Sewell and that Trefann Court was really his first challenge. I don't even think he was elected, and he got elected on that issue and it was planning in St James Town in the city of Toronto. We built from that a planning process that was second to none in Metropolitan Toronto. There were good things, I said, and bad things, but I think on the whole it's a pretty well-planned community.

The Sewells of the world say there's too much urban sprawl. The difficulty they have with the urban sprawl is that most people who live in that urban sprawl seem to enjoy living in that urban sprawl. That's a very serious dilemma you're faced with, if a government doesn't like what's happening but communities and people think it's where they want to raise their kids.

The kind of conundrum I have with this piece of legislation is how much it moves away from the local neighbourhood planning process that I thought socialists believed in. This is truly top-down planning. This is the province dictating what planning procedures, guidelines, you live within to have a planning process in each community. The communities then no longer have the responsibility for planning their own neighbourhoods. If there's anything I thought was heartfelt by this group of people, it was the fact that local communities could plan their local neighbourhoods. With this piece of legislation, it's taking away the ability of local neighbourhoods to say yes or no to the kind of planning they didn't want.

Hon Mr Philip: I enjoyed the member's presentation and his travel down memory lane, so to speak. I'd like to refer to a couple of the examples that he used, because I think it helps to illustrate some of the challenges we were faced with.

First of all, in terms of the conflict of interest that he talks about, the fact is that the original set of proposals was of concern to AMO and to a number of municipal leaders. So we formed a committee of AMO, and the new set found in this legislation actually is in response to the committee set up by AMO and by our ministry and it implements the recommendations of the municipalities so that it won't be the kind of deterrent he talks about.

He talks about the fact that police inquiries do go on, that charges are laid, but if you look at the cost of those police inquiries, you have to ask, is there not a better way of doing it? If this open-government concept prevents even the need for one police inquiry and the millions of dollars that this kind of inquiry costs so that the police can be deployed in other ways that are more useful and that are more helpful to the kinds of things that we want to get at, then isn't open government worthwhile?

He gave the case of Paul Rexe, and I think the point the member was making is a very valid one: that there are conflicts and there are conflicts. Under the present system, basically a judge is faced with only one option, and that is to remove the person from office. But there are conflicts that don't warrant that, that are not of such a serious or grievous nature. What this bill does is it gives more flexibility so that a penalty for a transaction will fit the transaction. I think that will mean probably more people will be in a sense punished for transactions than are under the present system.

Mr Sutherland: I too enjoyed the comments from the member for Renfrew. I wanted to rise in this debate just for a couple of minutes to talk about it because I think Oxford county is a good example to bring up in this debate. First of all, the member talked about his 36 municipalities. Obviously, he has a far larger geographical area than the county of Oxford, but the county of Oxford, 20 years ago, restructured on its own. I guess I shouldn't say totally on its own, but rather than have a regional government imposed on it, it came up with its own model and restructured and reduced its municipalities from 80 to 20. As a result of that too, planning went to the county level, and since that time, the Oxford county planning department has developed one of the best planning departments and planning systems in the province of Ontario. People coming from developed countries, from China, from Chile, from Argentina come and look at the planning system.

We have very tight planning practices. It's very rare to get a severance, a farm severance, a lot severance, for a retirement home for farmers etc, those types of things: very tight, very strict planning. Not everyone agrees with it, certainly, and I get a few people in my office. But to imply that maybe this will really restrict economic activity in the community in my view is just not accurate.

Oxford has done very well over the last 20 years with very tight planning and official plans. Oxford has already been doing a lot of the things that are in this legislation, so the adjustment will not be as great for Oxford as it will be for other municipalities, granted, but in terms of that, in terms of having effective planning and also having strong economic activity, Oxford has done okay with its good planning system.

2200

Hon Allan Pilkey (Minister without Portfolio in Municipal Affairs): I'd like to comment very briefly with respect to some of the comments on the Municipal Conflict of Interest Act. I have reviewed these matters and have sat in on some of the discussions. I can also advise, from a great many years of practical experience at the local government level, that I don't believe these particular requirements are onerous at all.

I think some of the fears that have been raised by the members opposite, from those who are present office holders or who would seek to be municipal office holders in terms of the perceived requirement and detrimental kind of requirement it may have, even to the point of having these people decide not to run, are an exaggeration and I suspect will not be the case. The notions of the declarations, as I see them in the act, are fairly straightforward. They quite frankly still carry with them some degree of lack of clarity and more likely sound an alarm bell or a caution to municipal office holders that there is an added degree of accountability. But I don't believe it's one that would particularly embarrass anybody who is seeking public office.

As well, in those circumstances where an alleged conflict of interest does arise presently, a citizen is not in very good shape. At their own expense, they have to apply to a court of law. Who is going to reach deep into their own personal pockets to fund perhaps what could be \$5,000, \$10,000 or \$20,000 to pursue a situation at a distant municipal council level? I think not many. A new circumstance that will allow this kind of matter to be checked without direct cost to the general citizenry when they believe there is a problem will be something that will be welcomed by those particular citizens.

The Acting Speaker: The honourable member for Renfrew North has two minutes in response.

Mr Conway: The member for Oshawa has much more municipal experience than I have. I have none; he has a great deal. But I want to make the point again that the people complaining to me are municipal people. They're good people and they're largely from the very small municipalities.

Now, I suppose I can take the view that they don't know what they're talking about, but that's not my sense of these people and their civic-mindedness. In fact, I heard on CBC Radio on the weekend that the mayor of Pembroke was quite upset about these. He represents a larger community of 15,000. But my concern is that when I hear as many good people from these small municipalities complaining with such vigour and telling me what they're going to do, I worry, because I just know that our local polity will be the worse for this kind of wear. That's not what we've set out to do. There may not be any easy solution, but I would hope in the course of the committee hearings people can find some answers.

On the more general point, I say to everyone, including that redoubtable defender of the treasury bench on almost all occasions, the member for Oxford, who's behaving these days as though he's expecting some additional preferment: I worry that when the bill on the one hand promises a greater delegation of real decision-making

authority to the municipal level, when in fact the reality is that the bill occasions just the reverse, a consolidation of more power on key issues at the imperial headquarters in Toronto, the government is going to be caught in this fraud after a short period of time. It had better be sure it's not advertising one thing and delivering something else, because while they won't be the first government to be engaged in that business, given the current mood I think its penalties might be perhaps even more severe than those in the past.

Mr Chris Hodgson (Victoria-Haliburton): It's a pleasure to be able to participate in this debate on Bill 163. I would like to restrict my comments in regard to this bill to two sections: One is the conflict of interest and the other has to do with the Sewell report on planning matters.

I have experience, like the member for Renfrew North, in living in rural Ontario in small places, and like the member for Oshawa, I have municipal experience as well. I was the reeve of a township and also a warden of a county. I have some knowledge of the consultation process that went about. John Sewell and Toby Vigod and George Penfold came to Haliburton. They were also in Lindsay. I spoke at both these meetings and I also met with them in Toronto.

I wish the minister had split this bill apart, as has been mentioned, one section dealing with conflict of interest and the other section dealing with the Planning Act.

In terms of the conflict of interest, we're all in favour of an open process and an open government, but I think they missed the point about the nature of rural life in small villages and municipalities.

If he talks about punishment for a conflict of interest being someplace between being kicked out of office and no punishment at all, he should also look at the remuneration a municipality or a municipal councillor gets. The fine should be in relation to that, as well as in relation to the severity of the crime, and that might alleviate some of the concerns rural members have who want to sit on council.

The other point I'd like to make is that in small municipalities, everyone knows who their local councillor is, who their deputy reeve is and who their reeve is, and they know the warden. In urban centres, I'd be very surprised if they knew who their ward rep was, or where.

When it comes to a conflict of interest and somebody makes an allegation, the embarrassment of that would keep people off councils, because if you read this act, you can read conflict into any connection. In small towns, there are lots of connections. You might own the local hardware store and you might be approving somebody's severance, and in four years or in six months, they might be building a house. Does that mean that person should be dissuaded from running for council? Just the embarrassment of somebody suggesting that there's a conflict would dissuade them from running for council.

The third area where there's conflict of interest that misses the point in rural Ontario is the disclosure of assets, which is open to the public. We're all for an open process, but at Queen's Park we have a different process

than we're going to subject local councillors to, and for the inquisitive or the curious, that's an invasion, that they can go in and have it done on somebody in a small community.

The fear is not that they will own a lot. That's not what will make people so that they won't want to run for office. It's the embarrassment that maybe they don't own very much. In a small town, chances are they already know roughly what a person owns or what they don't own. It's just the idea that they can actually go in and snoop through. We don't allow that in the Ontario Legislature, but we're going to allow it for small municipalities. I think it could be amended.

In terms of the planning aspects John Sewell and Toby Vigod and George Penfold have performed, I agree wholeheartedly; I haven't heard it expressed as eloquently as the member for Renfrew North expressed it, between the policy and the implementation. There's an old expression that there were talkers and there were doers. There are people who can talk a good storm, but there are other people who can actually do it, and sometimes they're not very articulate, but they manage things.

This country has a lot of talkers in politics but very few doers. We need people who can actually do it and resolve conflicts, not just identify problems but actually resolve them and get on with making government work for the people, the point being that we have a theory of how Ontario should look, and planning, to me, should operate as common tools throughout the province. Like a chess set, each piece moves a certain way, but depending on your opponent or where you are in the province, you have to move them in a different series of moves to meet that local challenge or reality.

2210

What I see wrong with this plan is that it imposes how the pieces should move throughout the whole province, regardless of what the circumstances are. To simplify my point, we had a system of planning that was based on the market. It's market driven. This fundamentally changes how the planning will work in this province to a plan-driven process.

I'll give you an example of how it will affect rural Ontario, and it's consistent with what you're hearing from other members, particularly the last speaker from Renfrew North, and how it will affect the housing prices of rural communities.

The market economy for living in rural Ontario is based on privacy. If we're going to attract people to our area or maintain them to live there, it's not because of theatres or the urban things that you take for granted in urban centres; it's because they have a sense of privacy and a quality of life, and the privacy requires bigger lots than you get in a condensed urban setting, which this planning document fails to recognize.

For instance, it puts in a regulation that automobile emissions should be avoided. Nobody defines what it is, but what it could be interpreted as is that somebody's not allowed to create a lot at Kennis Lake because they might have to drive 10 minutes to the town of Haliburton with 1,500 people, but somebody's allowed to put a

subdivision in Newmarket, even though a lot of the people who live in Newmarket work in downtown Toronto. Does that mean the emissions from the people who drive from Newmarket to Toronto are any less dangerous than the emissions from Kennis Lake to Haliburton? This is what's being implemented on rural Ontario.

With all due respect to the Minister of Municipal Affairs, he's consulted with planners and he talks about how there'll be more local control. There's no more local control. What's happening is that Municipal Affairs is unloading off the provincial budget a series and a group of planners that will have to be picked up at the municipal level to implement this local control. It's a download on to the property tax base, but the end result is dictated from Queen's Park, with over 100 recommendations from the Ministry of Natural Resources and the Ministry of Environment and Energy.

The irony of all this consultation is that they've met and gone around the province—I thank them for that; I've mentioned I had the opportunity to have them in my riding two or three times—but the land use and settlement guidelines that were brought in and implemented by the Ministry of Environment, and every ministry in the Ontario government involved in planning is subjected to these guidelines, were brought through with no legislation from this House. It was brought out in regulations, and it's the heart and soul and guts of the Sewell commission report and this proposed planning bill. That's been in place for over a year with no debate in this Legislature, no legal authority, but it is essentially shutting down rural Ontario.

Who will end up developing, outside of the lots that are already in existence? It'll be interests that can bring in a finished report, that can afford consultants, that can afford to carry land for a number of years until it's done. What does that mean for the private property owner in these rural communities? They've had the property in their hands for over 100 years. It was originally for farming, but there's no market for the type of rock that exists there. The only thing this land is good for is having people live and enjoy it and have some forests and some privacy. That's the market we need to create in rural Ontario if we're going to survive.

In the 1980s we had a problem of how we process all this growth. In the 1990s the question is, how do we afford it? This government seems to have come up with some ideas such as road tolls and lot levies that were a hangover from the previous administration, and that's pay as you go or user fees. Those aren't new or progressive ideas. Those ideas are ancient.

This province decided over 100 years ago that we were never going to have toll roads again. We decided that an education was going to be universal. No matter if you grew up in Metro or in Haliburton or in Harcourt, we were going to try to afford a rural education. We've had great benefits from that.

The principle of lot levies, driving the price up, means that rural Ontario and Metro are equal, that you can both raise the same amount of money. You can't do it. Richer areas will have richer and better schools. It's a slippery slope towards what we had in this province about 60 or

70 years ago. There has to be a recognition that the province collects sales tax and corporate tax. We build a framework that helps all of Ontario. The idea that we can somehow change the Planning Act and say, "You guys look after looking after your water and sewage; if you don't do it, you can't have it"—we're caught in a catch-22. To get the growth you have to have the water and sewage, but to afford the water and sewage you have to have the growth. We don't have the assessment today to be able to afford 100% of user fee costs; as mentioned, the days of 80% and 90% grants are gone.

I'm looking forward to the consultation process when they come around and visit the rural communities and talk to not only the planners at AMO and the county governments, but talk to the construction industry, talk to the people who work and want to build a house and to people who work in the housing business, talk to the real estate agents who have to sell people houses. Can you imagine trying to talk somebody from Scarborough into retiring in Haliburton? Why are they coming to Haliburton? They want to get away from the city. They want a little more space. They want some privacy. They want to be able to walk on the streets. They want to be able to join a curling club without lining up for six months.

The problem is that John Sewell's vision, or the vision this government's implementing, is that we should all live in urban clusters because they're somehow cheaper to run. I disagree with that. I can see where they sell this. They sell it that we don't like the ribbon development that's developed out in rural Ontario. I can tell you one of the reasons why we have ribbon development, why, when you drive down certain roads, all you see is 1,100-square-foot bungalows. It's because of this kind of thinking that we weren't going to allow many severances. It was the severance policy of Municipal Affairs that caused that. When you can only create one, two or three severances, you cannot afford to put hydro off the road. There's no market for it.

Instead of having one driveway on 100 acres of land and dividing it into 10 lots and having 10-acre parcels with one driveway and one bus stop and making those people maintain the road themselves like a form of condominium ownership—they would share their belief in privacy and they might share some trails and share the road maintenance costs.

Mr Hayes: User fees.

Mr Hodgson: It's their choice. It's market-driven. If you had 10 people who wanted to live in that situation—you allow a condominium development in Toronto as long as it's got four walls and sticks up 600 feet in the air, but you won't allow it on the ground. This bill does nothing to recognize that.

You've forced, as you've said, on 100 acres of land that has no agricultural benefit to the province, the timber is marginal, all it's good for is attracting people who want to have privacy and a sense of rural life and who like the nature and the birds, you've said to those people, "You can only have three lots of this 100 acres." If you have to divide that, you can't afford to go through all the process of a subdivision. You did three lots along the front of the road and you had the seigneur system of

France, where it runs the full length of the 100 acres. If it happened to meet the road, it's 3,300 feet deep and they're a couple of hundred feet wide and you've got three driveways. You build your houses out near the road because you can't afford to put hydro in, five or six poles, and have a buffer zone of green trees, which would look nice if you're driving through the country. But if you're allowed to have 10 lots on 100 acres, you can afford to put the hydro in 500 or 600 feet and have it tree-lined.

That's what Sewell says he'd like, his vision and the vision of people whom he talks to in the country. Of course they want to keep the rural quality of life and the look of the country when they're driving up there. But crazy policies like this—the reason they put this in was because they didn't want to have a lot of development without regulations, so they said severances, one or two lots, or three in some areas.

The irony, and life is ironic, is that exactly the opposite happened. You've got ribbon development and miles of bush behind that nobody can see and the public can't use. I'd like to see this Planning Act really state what the rhetoric says: local control. Make it so condominium ownership, or any other types of ownership that are allowed in other places in the province, can be allowed on rural land. Make it so that local councils can make these decisions, based on what's best for their area. It's not one uniform policy that it should be serviced by municipal road and municipal taxes and municipal water and sewage throughout the whole province.

There's a recognition in Ontario that there is a market for different types of ownership and different sizes of lots than there is in urban areas. That's the strength we have in Ontario, that we have places where you can live in urban settings and places where you can live in rural settings. I'd hate to think we're throwing that out the window for some grand vision of how things ought to be, with very little consideration of how you'll implement it on the ground.

2220

Mr Hayes: I compliment the member for Victoria-Haliburton. He does have an understanding of rural Ontario. But I tell the member for Victoria-Haliburton that I also spent a number of years in municipal politics in rural Ontario, as a councillor, deputy reeve and reeve. I'll tell you that one of the big problems we had, especially when we talked about our official plans, was the lack of direction and the lack of policies.

Many municipal politicians right across this province have complained for years and years because when they wanted to get official plan amendments or even just do a new official plan, they had to go back and forth from one ministry to the next several times and it just kept getting sent back to be amended and amended because there weren't good, strong policies, as we have here today.

The conflict of interest was mentioned, and I know that is a concern, rightfully so. But let me tell you, one of the problems we've faced and municipal councillors and others have faced is that an individual, whether a politician or whether one of the constituents, couldn't afford it if someone charged them with conflict of interest,

because it was just so vague. This is going to clear up that issue.

As far as development goes, this does not restrict development. In fact, it streamlines the process. The other thing it does is that you do not have to go through five or six or seven different ministries before you can get your development. If you want to talk about the developers across this province, one of their big concerns was that there was so much bureaucratic red tape they had to go through and spend all kinds of money and then be told, "Sorry, you can't do it." It's better to tell people up front what they can do and what they can't do.

Mr Eddy: The presentation by the member for Victoria-Haliburton has pointed out the tremendous diversity across this very huge province in which we live. There are tremendous differences. There are intensive agricultural lands with some of the richest, finest agricultural land in the entire world, and it needs to be protected. The farmers who own and operate it want it protected for the future, for ever, and I think we should all be willing to support that. On the other hand, there are many rural areas where the land will not produce much, if anything. It's just a tremendous diversity.

The point of the very strong policies he has mentioned is that they are so restrictive. I think they will in many areas, and perhaps that's good. But the main point about the debate tonight has been that it's very strong policy from the top down and doesn't leave much leeway for real decision-making at the local level, to have local decision-making and then accept it at the top.

It's going to be very interesting, to say the least, what happens if this act is passed as proposed. Perhaps we should proceed to the hearing stage and have hearings and see what people from various areas involved in different ways in land tenure and ownership and use really feel strongly about and the suggestions they may have for changes.

Mr Stockwell: I certainly applaud the member for Victoria-Haliburton. Clearly, whether it's an agreeable view with the government's, it's certainly a view that is shared by some constituency out there with respect to this piece of legislation.

I want to just touch briefly on intensification. As long as I can recall, the Sewells, Martins, Laytons, Sheppards, Sparrows, Vaughans and Chows have been selling this intensification argument, and they've been selling it for decades longer. The funny thing is, on the way to writing this report with John Sewell and buds, intensification never even caught on in Metro.

The intensification argument was an argument put forward constantly during official plan amendments, during official plan report writing, and constantly in Metropolitan Toronto it was processed through, but intensification never happened. It didn't happen for all the reasons the member for Victoria-Haliburton cites. It didn't happen in Metro Toronto because of the costs, the costs associated with developers through intensification: the costs of acquiring the land, the costs of rezoning, the costs of development applications and so on and so on and so on. So the intensification argument doesn't apply, it didn't apply, it hasn't worked.

Now what we have today is Mr Sewell and club out in the rest of the province saying, "You've got to try this intensification thing." So they get out to the rest of Ontario, talking intensification, and what do they do with the piece of legislation? They exclude the very jurisdiction they had some actual control over in the past decade, Metropolitan Toronto. It's excluded from this piece of legislation. Why? Because the intensification argument never materialized. The costs were onerous.

So we're going to say to the rest of the province of Ontario: "You should grab hold of this intensification argument. Increase your urban centres. Increase development within urban centres, small and large." But the bottom line is that costs go up, acquisitions are more, red tape gets larger and neighbourhoods don't like it.

Mr Paul Klopp (Huron): I appreciate the comments that were made tonight. I'm a history buff, and I think you mentioned something earlier about toll roads, that toll roads were out about 100 years ago. I stand to be corrected, but I think toll roads were still in place about the 1920s. I take that from personal interest, because we've decided to do that again. Many people have said to me that it's not the end of the world, that it's a good combination of things to do. So I think that's interesting.

I also recommend to the member, when he talks about how the system and maybe this government doesn't work, that a few weeks ago we were in committee and the member for Victoria-Haliburton came forth with a private member's bill about rep by pop and how the bottom made a decision. Many of us on that committee said, "The bottom made a decision," and we voted in favour, excluding what the Ministry of Municipal Affairs said. They're nice lawyers, but thank you; they made their recommendations, but the point was given and we voted in favour of what the bottom made up.

So when you talk about this government, and in fact many of the opposition members—Mr Eddy and a few of the others, God bless them, almost said, "What's the government doing?" I said, "That's what committees are about."

In closing, we are going to go to this committee, we are going to hear what's going to be said, because that's what the process is about. That's what I believe as a member of Parliament. We're going to hear what people have to say. Otherwise, why have the committee? The minister has made a commitment that we are going to go forward in first, second and third reading, as we always do in every bill, which people forget about in this place, and we're going to listen to what people have to say.

I understand very clearly why the opposition members expound on the fact that, "Oh, they're not going to listen," just like a couple of weeks ago when there was a bill about land-lease lots. Of course I understand why the Tories said, "No, we want to hold it up." In fact, Mike Harris stood up and said the bill was actually lost because his whole party disagreed with it that day, when there were many people here of senior age—above me, anyway. I understand that.

This government does listen. We will work forward in this bill.

The Speaker (Hon David Warner): The honourable member has up to two minutes for his reply.

2230

Mr Hodgson: I thank the member for Huron for his comments and support at the committee level last week.

With respect to the member for Essex-Kent—I realize he has a lot of municipal experience, and I'll defer and take his comments at face value—I would state that the reason I feel it will hamper the ability of people to let the market decide where they want to live in rural Ontario is because there's no definition to some of the policies. The problem he talked about, being a county councillor with the planning department, is, "Give us a policy so we can decide." When you take a look at MNR's recommendations and the Ministry of Environment and Energy, there are scores of recommendations with no definition about exactly what they mean. The only people who will be able to afford to define that are the developers who he said are in agreement. That's my only conclusion there. They'll have the resources and the money to hire the consultants to define what the application of these policies outlined by the two ministries will mean when it hits the ground. Somebody without a lot of resources will not be able, if they own the land today, to afford to define that their land meets these qualifications, and that's the problem I have.

I also have a caution about making too many policies, even at a council level or a school board level. I know there have been debates about, "We should have a policy on how far a school bus can stop." You realize when you get out on the roads, when there are corners and things like that, that one uniform policy doesn't fit all cases. That's why you have elected councils and local school board members. They're elected by their peers to use their judgement to interpret standards to meet unique situations. I hope we can retain that flavour and hash this out at the committee hearings throughout the summer.

The Speaker: The Minister of Municipal Affairs has the opportunity to wrap up the debate.

Hon Mr Philip: I want to thank members, including the Premier, for their contribution to this debate. If I make a long enough speech, maybe he'll go home to his daughters and wife, which I think is quite appropriate. But I want to thank the members for their contribution.

I think the editorial writers are correct when they identify this legislation as the most important reform in planning and in municipal government since the 1940s. No one can disagree that the present system is not working. As Minister of Industry, Trade and Technology, I was constantly confronted by people who said the planning process was broken by companies that did not want to in any way pollute, that wanted to obey the laws of Ontario, but the bureaucracy of the municipalities—the lower tier falling over the upper tier and the upper tier falling over the ministry and the ministry falling over other ministries—just wasn't working. So as a result of this legislation, what we have is a more streamlined system of dealing with planning in Ontario.

I mentioned one of the many letters I've received from people in the development industry, but Mario Romano

writes: "We in Castle Point would like to go on record as congratulating you and your staff on your initiatives and support to our industry. The Planning Act amendments you introduced last month are a prime example of an attitude and philosophy that demonstrate commitment to the streamlining and efficient process. This positive attitude from the ministry has not only been evident in Markham centre but in several other areas that we are developing in the greater Toronto area."

He goes on to say, "I must also take this opportunity to commend in particular the provincial facilitator's office, who has been so vital to us in resolving and averting possible problems." He goes on later to say, "You have done more for our industry"—that is, the building industry—"and the efficiency of the marketplace than any previous government."

What this legislation does is cut through the bureaucracy, streamline the development process so that jobs can be created, and it provides more responsibility to planning boards. It makes more accountability at the local level, and it gives transparency and openness to local government.

This bill is possible because of the tremendous job of consultation that was done by John Sewell and his team. If you look at what happened between the first report that Sewell published and his second report, you can see that he did listen to the input he received from rural and from urban areas, from the tiniest hamlet to the largest metropolis. If you look at what we have done in the bill, we have moved even further as a result of comments we received on the second report of the Sewell commission.

This bill is also possible because of the hundreds of people and organizations that took the time to make their views known to John Sewell and his commission and to members of the government and indeed through AMO and through other organizations that had direct consultations with my staff and myself. It's also possible because of the long hours my very dedicated and I think creative and very bright staff put in studying the various papers that came in and working with John Sewell and his commission.

I look forward to the hearings in the committee this summer. I want to thank representatives of the environmental network, the home builders, the development industry and of course the municipalities who are serving on the implementation team. Without the support of AMO, without the support of the environmentalists, without the support of the builders and without the support of the development industry, this bill, which is a balanced approach to planning in Ontario, would not have been possible. I look forward to the committee hearings.

The Speaker: Mr Philip has moved second reading of Bill 163. By previous agreement of the House, a division is deemed to be seen. The vote on second reading will be deferred until tomorrow following routine proceedings.

Hon Mr Wilson: I move adjournment of the House.

The Speaker: Is it the pleasure of the House that the motion carry? Carried. This House stands adjourned until 1:30 of the clock tomorrow.

The House adjourned at 2237.

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Third Session, 35th Parliament

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Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 21 June 1994

**Journal
des débats
(Hansard)**

Mardi 21 juin 1994

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 21 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 21 juin 1994

The House met at 1333.

Prayers.

MEMBERS' STATEMENTS

MINE DISASTER

Mr David Ramsay (Timiskaming): I would like to report to the House the conclusions of a coroner's inquest that concluded in the town of Kirkland Lake last week in regard to the Macassa mine accident that happened on November 26, where two miners lost their lives. The jurors made 14 recommendations, the first of which was that all persons involved in the recovery operation be commended for their dedication in the adverse and potentially very dangerous conditions they had to work under.

As the member for Timiskaming, I'd like to highlight some of those recommendations. The first group is to the mining industry itself. Mining methods have to reduce the time that workers spend underground in rockburst-prone areas. Also, the rescue training to assist in search operations caused by rockbursts has to be increased. Wherever possible, two accesses to a stope should always be maintained.

Also, as the member, I would like to urge the Ministry of Labour to act upon these other recommendations by the jury: that senior levels of government fund programs to train mine workers, and we need to increase that; that we have continued government and industry financing to study rockbursts beyond the promise of this government of 1995; and also, that a feasibility study on equipping underground miners with homing devices that can assist search crews be adopted by government.

These are very important recommendations and I call upon the Ministry of Labour to bring them forward.

NATIVE LAND CLAIM

Mr Leo Jordan (Lanark-Renfrew): I address this statement to the Premier and to the member for Algoma. The PC northern focus task force toured northern Ontario in an effort to obtain ideas about how a Mike Harris government can provide the best environment for economic development.

When we reached Algoma, we were confronted with an astounding level of resentment for being betrayed by the Premier and the member for Algoma, who proceeded with a \$13-million, 40,000-acre settlement with Mississauga natives without any consultation with affected stakeholders. Many of these stakeholders' property rights and livelihoods will be expropriated as a result of this NDP manoeuvre.

After hearing the report from our task force, our leader, Mike Harris, travelled north to meet with the Algoma action group. This group is currently challenging the claim in the courts, because it is widely believed that

the NDP has given away far more land than was historically claimed. I find it ludicrous that the NDP would strike a deal of this magnitude before the court has even made a decision.

For the property owners, loggers, miners, anglers and all stakeholders, Mike Harris and the Conservative Party have pledged our undying support for a process which will reflect the needs of all people and will bring these interests to the negotiating table.

ALTERNATIVE FUEL

Mr Randy R. Hope (Chatham-Kent): Today, I would like to call attention to the inaction of the federal Liberal cabinet with respect to the ethanol issue. People in my riding have been waiting patiently for a sign that the federal Liberal government cares about the economics in rural Ontario.

I have asked repeatedly in this House for members opposite to take a stand and demand that the federal Liberals make a decision. The inaction both across the floor and in Ottawa by the elected Liberals leaves one to wonder what sort of commitment the people of rural Ontario can expect from that party.

The ethanol plant would be located in my riding of Chatham-Kent but the economic impact would be felt across the province. Twenty million bushels of corn would be needed to supply the plant and would translate into a \$60-million boost in Ontario's agricultural business.

It appears that the federal Liberal cabinet is stalling the issue until the summer recess in the hopes that it will go away. I've got a news flash for all the Liberals in Ontario: The people of Chatham-Kent will not be satisfied with your promise to "look at the issue" much longer.

The federal Liberal government continues to make its commitment to fossil fuel development projects such as Hibernia while the people of rural Ontario are put on hold. This is not acceptable. Why the stall tactics?

Perhaps it needs to be explained one more time. The economic wellbeing of rural communities in Ontario could hang in the balance. The environmental quality in urban centres such as Toronto, Hamilton, London and Windsor can be enhanced through such use of ethanol fuels. Just Thursday, Toronto's pollution index was double the acceptable level. Ethanol fuels could help change this.

The Speaker (Hon David Warner): The member's time has expired.

1340

Mr Hope: I would call upon the federal Liberals and the Liberals of the province to move quickly on the ethanol issue.

MINISTRY OF NATURAL RESOURCES STAFF

Mr Frank Mclash (Kenora): I would like to draw the attention of the House to the heroic efforts of two Red Lake district Ministry of Natural Resources employees.

On June 14, two Chicago residents capsized their boat on Pakwash Lake, a fairly large body of water just south of Red Lake. At the time, a ministry helicopter came upon the accident and immediately went into action to assist the boaters.

Chris Porter, the pilot, landed on a nearby peninsula to offload his passengers and headed to the accident scene. Upon arriving at the overturned boat, Porter hovered the copter while senior forestry technician Paul Fazekas ventured out on to the skid of the craft. In his attempt to assist the victims, he ended up in the lake with the two fishermen.

Both visitors were in a state of shock upon the arrival of the ministry officials at the scene, and through the expertise of pilot Porter and the strong swimming abilities of Fazekas, the visitors were hoisted into the helicopter and taken to a nearby tourist camp.

It was through the alertness and quick actions of the Ministry of Natural Resources people that a tragedy was avoided. One of the fishermen stated later that, "We were in serious trouble, and I just don't know what would have happened if they hadn't come along."

In bringing this issue to the attention of the House, I do hope we will recognize how fortunate we are to have such skilled, alert and dedicated MNR employees throughout the north.

ACCESSORY APARTMENTS

Mrs Dianne Cunningham (London North): I'd like to bring to the attention of the Minister of Housing the concerns from the citizens of London with regard to Bill 120. We trust that the minister will incorporate our concerns as the regulations are drafted.

We were informed by your ministry during public hearings that municipalities can continue to license genuine rooming-houses and expect that the city of London bylaw will be honoured by the government and will continue to be implemented as the city intended.

From a safety standpoint, the city of London fire department has grave concerns about as-of-right basement and attic apartments, garden suites or granny flats. Basement apartments, because of the smaller windows and, for the most part, one entrance in and one entrance out, are, in a working fire, considered to be one of the most dangerous, intense burning blazes faced by crews. Sadly, we in this House have mourned many unnecessary deaths by fire in basement apartments in the last few months.

Doubling or tripling residential units will have a significant effect and strain on hard services such as sewers and water systems not designed to meet extreme demands. Bill 120 also ignores the municipality's requirements regarding parking. Experience tells us that this will unquestionably lead to parking abuses.

In January 1991 the city of London established a home planning advisory service to provide assistance to home

owners who wished to create an additional unit in their residence. The city of London official plan already includes policies that promote residential intensification in appropriately identified areas. Our official plan contains policies that will further designate intensification but subject to consideration of neighbourhood planning and adequate servicing.

Municipalities in Ontario do not need Toronto-based solutions to local issues.

ST MARY'S HIGH SCHOOL

Mr Kimble Sutherland (Oxford): St Mary's High School in my riding of Oxford will soon have a new home, thanks to the government of Ontario. Jobs Ontario Capital has given the school \$8.9 million towards the construction of a new high school.

This represents good news for both students and teachers in my riding. St Mary's has become overcrowded in the last few years, and a new school will considerably improve the quality of Catholic secondary education in the Woodstock area.

The principal of St Mary's was obviously pleased with the announcement. He said that announcement marked one of the best days in his career since coming to the city seven years ago.

The new school will also mark a high point in community cooperation in my riding of Oxford, cooperation between separate school board, public school board and the city of Woodstock, as the new high school will be built on the site of the Woodstock District Community Complex, built with \$3 million in Jobs Ontario Community Action funding, funding which highlights the cooperation which exists between municipal government and the provincial government.

This spirit of cooperation does not end in Oxford county. Jobs Ontario Capital has made \$620 million available to Ontario school boards. During its mandate, this government has also taken a leading role in developing a national testing program, increased the participation of parents in schools and established a Royal Commission on Learning. The new school building for St Mary's adds to this impressive record, and I am delighted to welcome the project to my riding.

CHEQUE CASHING BILL

Mr Gilles E. Morin (Carleton East): Over two years ago the House supported Bill 154, the Government Cheque Cashing Act, now awaiting third reading. This bill prohibits cheque-cashing businesses from charging fees to cash government cheques. Thousands of low-income Ontarians are victims of these operations. They lose precious money that would buy food, clothing and other essential items.

The government has done nothing to remedy the situation. It continues to condone this exploitative practice. It pursues fiscally irresponsible policies that do nothing to alleviate the hardships endured by low-income Ontarians. This government has demonstrated over and over again that it is no friend of the poor.

It is also no friend of the taxpayers, because millions of our tax dollars are subsidizing these businesses. That money was meant to help needy Ontarians, not to enrich

businesses of dubious nature. But this government is obviously not concerned about improper business practices.

Doing nothing is this government's response to some of the most pressing problems facing Ontarians today. By ignoring the plight of low-income Ontarians, it demonstrates yet again that only the chosen few have the ear of the New Democratic Party.

CHILD AND PARENT PLACE

Mrs Elizabeth Witmer (Waterloo North): Children are often the innocent victims in the difficult process of separation and divorce. In my community, Child and Parent Place has offered separated couples and their children the opportunity to visit each other in a safe, neutral setting. Child and Parent Place is based on the philosophy that children benefit from healthy relationships with both of their parents. Its aim is to ensure the wellbeing of children in acrimonious separation and divorce situations.

This is the kind of program which our party has advocated in the Common Sense Revolution when we indicate that we would establish a program of mandatory mediation to resolve many of the tensions and disputes which arise during a separation before these issues reach the courts.

Unfortunately, this safe haven for children, which was started by Lutherwood Community Services in 1988, is in jeopardy of closing if continued funding is not forthcoming.

Child and Parent Place is part of the supervised access pilot project, a program which the Ministry of the Attorney General began funding, along with 11 others across Ontario, two years ago. This program has offered hope and comfort to both parents and children. It would be tragic to allow this program to be cancelled due to a lack of funding. I urge the Attorney General to carefully consider the many positive aspects of this program and to make it a priority for families in this province.

LAND-LEASE COMMUNITIES

Mrs Irene Mathysen (Middlesex): Mr Speaker, I am seldom angry, but I can assure you that I have received a copy of a letter sent to one of my constituents by the leader of the third party, Mr Harris, that has me absolutely livid with anger.

I can only assume that Mr Harris has been spending too much time with Lyn McLeod, because he too is now writing letters that aren't worth the paper they're written on.

I refer to a letter sent to Mrs Marjorie Godin of Twin Elm Mobile Home Estate in Strathroy. The letter refers to Bill 21, Mr Wessenger's private member's bill, the legislation that will protect lease-lot tenants from arbitrary eviction, protect the equity they have in their homes and give them the right to advertise and sell their homes without landlord interference.

In this letter, dated June 10, Mr Harris says that the bill was defeated in this House. Now, that is clearly false.

In light of the problems and abuse that tenants in some lease-lot communities suffer, this legislation is important to many in this House and to thousands of our constitu-

ents. But despite the clear need for this bill, the Tory Housing critic has filibustered and stood in the way of this legislation since it went to the standing committee on general government last February. In fact, the Tories have created problems at every step of the way regarding this legislation. Their collective conduct is a disgrace, and now, to add insult to injury, the Tory leader, just as Lyn McLeod did with Bill 91, has sent out misinformation to Ontarians. If it isn't deliberate, then it's simply incompetent. Mr Speaker—

The Speaker (Hon David Warner): The member's time has expired.

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OPTOMETRISTS

Mr Peter North (Elgin): My statement is to the Minister of Health. Minister, as you are aware, the Health Professions Regulatory Advisory Council has been left to decide the future of optometry in this province. You'll also be aware that optometrists are a valuable resource in rural Ontario. For people who live in rural Ontario, they are the first line of defence in eye care.

The HPLR is now attempting to restrict the profession in the list of prescribed diseases that they can diagnose. My understanding is that optometrists are not trying to expand their scope of practice but merely to maintain the services presently provided.

Minister, you would know that the availability of ophthalmologists is very limited and that in some cases there are none available for many, many miles. Where they are available, the waiting lists are extremely long. Many people in our area naturally use the services of an optometrist first. If their scope of practice is diminished, people will most likely still go to the optometrist for help, only to find that in their situation they must go to an ophthalmologist. This will cost the taxpayers twice for the same service, increasing health costs, and probably delay attention to the eye problem for some time. People who need immediate service for injury or certain circumstances will literally be turned away.

Optometrists are trained extensively to deal with eye care. It seems a shame to me to endanger patient access to eye care and again limit rural Ontario's access to another health care service. I encourage the minister to alleviate the concerns of people in rural Ontario and resolve this situation so that seniors and others can continue to receive good, quality care at their local optometrist.

VISITORS

The Speaker (Hon David Warner): I invite all members to join me in welcoming to our chamber and seated in the Speaker's gallery some very special visitors, members of the diplomatic corps stationed here in Toronto representing seven countries.

APPRECIATION

Mr Will Ferguson (Kitchener): I rise on a point of personal privilege, Mr Speaker, to make a statement. Some 28 months ago I resigned as the Minister of Energy. You will recall that at that time I was accused by an individual of committing a criminal act as a result of a summer job I held well over 20 years ago. After a

lengthy police investigation that lasted just under three years, one week ago today I was acquitted of all and any alleged wrongdoing.

Today I rise to thank those colleagues in this assembly who supported me during the past two and a half years. To those members of this assembly, to the residents of Kitchener, to my wife and family, to all who gave their unconditional support, either publicly or privately, I shall be for ever indebted for your acts of kindness and your words of encouragement.

Unless one has been through the kind of allegation and charges and lived with that for each and every moment of over 800 days, unless one has been arrested in front of his wife and kids at the breakfast table early one morning, no one has any idea of the experience and the attendant costs, in both financial and emotional terms.

What has happened to me can happen to any doctor, any lawyer, any teacher, any labourer, any office worker, any journalist and indeed any other member of this assembly. No one person is immune, nor can they predict when a false allegation of wrongdoing may surface against them. It is my hope that we as legislators in this province can all learn from this so that the next time this happens, as it surely will, we will not simply get caught up in the political rhetoric of partisan politics which dominates this House and, under the veil of guilt, pre-judge the final fate of any member.

Members should know that the Freedom of Information and Protection of Privacy Act failed me, failed my family and failed the citizens of Ontario, who paid for this public prosecution and this investigation. I find it simply incredible that ministry documentation that would eventually prove my innocence was withheld from me for over a year and not released until many months after I was charged.

I'm not trying to dwell on the past. Nothing can restore lost time and the possibilities. Little can repair the long-term effects and attacks on one's reputation and the personal attacks directed towards one's family. However, despite all the wrongs that have been committed, the bitterness has passed and I still believe one can create good if one chooses to. If it were not otherwise, then our life's reversals would simply lead us only to despair.

Yesterday is gone for ever. However, I truly believe that one can rise to the occasion by turning the page and putting the past behind them and being the sort of person people will see and hopefully recognize as true and worthy of their continued trust and friendship. I'm committed to seizing that opportunity, to take whatever positive outcomes there can be from this sorry mess and be part of a constructive, helpful voice for my community and for this province.

For me personally and my family, the future does now hold a sense of joy, a renewed sense of optimism and a vigorous, positive outlook. I look forward to contributing whatever I can, using whatever ability and talent I have, as I join with my colleagues in this assembly and work for the common good of our fellow citizens, the common good of our communities and the common good of this dynamic province.

STATEMENTS BY THE MINISTRY AND RESPONSES

SOCIAL ASSISTANCE REFORM

RÉFORME DU SYSTÈME D'AIDE SOCIALE

Hon Tony Silipo (Minister of Community and Social Services): I rise today to advise members of our government's plans to reform welfare in Ontario into an active program that will get people off welfare and back to work. Our new system, JobLink Ontario, will fit each person with a set of tailor-made supports that they require to enter today's job market and stay off welfare.

Je suis heureux d'annoncer les plans adoptés par notre gouvernement pour réformer l'aide sociale en Ontario afin d'en faire un programme d'action qui aidera les bénéficiaires à quitter le système d'aide sociale et à reprendre leur place sur le marché du travail.

Notre nouveau système, objectif Emploi Ontario, mettra à la disposition de chaque personne un programme fait sur mesure, réunissant les services de soutien dont elle a besoin pour intégrer le marché du travail d'aujourd'hui et ne plus recourir à l'aide sociale.

We know that thousands of welfare recipients want nothing more than to support themselves and their families. Many have lost jobs because of the changing economy and require new skills to re-enter the workforce. Many single mothers, if provided with training and child care, could and would enter the workforce. Many creative people with their own innovative ideas for self-employment have been stuck relying on welfare because they lack the means or technical knowhow to start their own businesses.

Some rules of the old system have been barriers to independence for self-starters or people wanting to learn skills through volunteer work.

Many people on welfare miss job or learning and training opportunities because they lack access to information about these various opportunities. There is no centrally linked and well-coordinated information system.

Lack of access to some resources that most of us take for granted has been a real barrier to people supporting themselves and their families on below-poverty-line incomes. Things as simple as access to photocopiers, telephones, money for bus fare, or child care while going to a job interview are just a few examples.

JobLink Ontario will turn that system of barriers and entrenched dependence around. JobLink Ontario will map out a route to independence for thousands of good, hardworking people of this province.

I am announcing today an additional \$25 million in provincial funding that will enable JobLink Ontario to begin achieving three key objectives: first, to move people on welfare into jobs; second, to transform existing programs into one coordinated system that is focused on the needs of people moving from welfare to work; and third, to make existing training and job creation programs more accessible to welfare recipients.

J'annonce donc aujourd'hui que le gouvernement versera un montant additionnel de 25 millions de dollars, qui permettra à objectif Emploi Ontario d'entreprendre la réalisation de ses trois buts principaux :

(1) aider les bénéficiaires de l'aide sociale à trouver des emplois ;

(2) transformer les programmes actuels pour en faire un système coordonné axé sur les besoins des personnes qui veulent quitter le système d'aide sociale et réintégrer le marché du travail ;

(3) faire en sorte que les programmes actuels de formation et de création d'emplois soient plus accessibles aux bénéficiaires de l'aide sociale.

JobLink Ontario will be gradually phased in, starting in eight communities around the province this year. Expansion of JobLink throughout the entire province requires federal partnership and federal funding. We know our plan makes sense for Ontario, but we believe it could also be a valuable blueprint for other provinces and a model for the federal government's social assistance reform initiatives.

We have submitted a proposal to Ottawa to share the costs of JobLink Ontario. Federal human resources minister Lloyd Axworthy has expressed interest, and we are hopeful that we can reach an agreement in the coming weeks.

1400

Our municipal partners, as well as many community-based agencies, have been on the leading edge of providing an employment focus to social assistance in Ontario. We will continue to rely on their creativity and expertise as we work closely together to implement JobLink Ontario. Building on municipal employment programs will be crucial to the implementation of JobLink.

Over the next several weeks I will announce the eight communities selected to house our first JobLink sites. I would like to take a few minutes now, however, to outline the six main components of JobLink Ontario.

First, our sites will house JobLink resource centres, visible doors through which people can enter and work with trained staff to assess their employment readiness; get information about any available suitable jobs; get information about training or learning opportunities suited to their abilities, interests and local job market realities, as well as other services and supports that they may require, such as child care or computer access or funds for transportation. We believe each resource centre will serve thousands of people every year.

It makes good sense to build on the success of our training and job creation programs that have been getting thousands of Ontarians back to work. So the second component of JobLink Ontario will build in an additional 4,000 new spaces to the existing training offered through the Ontario Training and Adjustment Board, OTAB. These training spaces for welfare recipients will ensure that they are relevant to the local economy, with jobs as the training outcome. Eventually, JobLink Ontario will be integrated with OTAB and become part of its menu of mainstream programs.

Third, JobLink Ontario will sensibly respond to emerging economic and labour market trends. Non-traditional forms of employment are emerging as a window to the 21st century. Our support system through JobLink Ontario will respond to these trends and provide

supports to Ontario's innovators.

JobLink Ontario will include a new \$5-million Innovations component. This fund will be available to promote community economic development activities that lead to job creation. We are aware of significant success of similar new innovations in other jurisdictions, and Ontario won't be left behind.

Fourthly, we will also help people on welfare create their own businesses. We will link them with the expertise of highly successful small business entrepreneurs. They will get help with business planning and entrepreneurial training. Through the already existing Jobs Ontario Training community enterprise program, we have seen significant success with people on social assistance starting over 500 businesses. Again, we will build on that success and not duplicate services, by investing an additional \$1 million into that program, exclusively to support people who are on welfare. We look forward to serving about 3,000 welfare recipients through the Innovations component and the additional funds to Jobs Ontario Training community enterprise.

Regulatory changes will be in place this fall for employable adults. These changes will make it easier for people participating in self-employment training programs to start their own businesses. We will also implement regulatory changes that make the system more flexible by allowing people to participate in education and training opportunities and to learn job skills as volunteers.

Fifthly, we have begun addressing special employment needs of first nations on reserve. Implementation has begun of 100 community pilot projects which identify employment and training needs at the local level. There has been a \$3.3-million investment in the future independence of first nation communities in Ontario.

But we must now also address the special needs of off-reserve aboriginal people who, without question, also want lives of social, economic and cultural independence, away from entrenched poverty and historical dependency. Therefore, a new \$1-million pilot project fund will be managed jointly by aboriginal organizations and the Ministry of Community and Social Services and will identify culturally appropriate systems, means and supports needed to begin this essential transition. These efforts will be well coordinated with the aboriginal family healing and wellness strategy announced by my colleague the minister responsible for native affairs yesterday.

Sixthly and finally, JobLink Ontario will aggressively pursue meaningful employment linkages for people with disabilities and provide or assist in securing the special supports needed to accommodate this transition. We will continue to seek input from the disabled community and from our own workers to decide how best to do that.

Nous savons que des milliers de bénéficiaires de l'aide sociale ne demanderaient pas mieux que d'être en mesure de subvenir à leurs besoins et à ceux de leurs familles.

Objectif Emploi Ontario comprend les composantes suivantes :

(1) L'établissement de centres de ressources. Chaque centre accueillera des milliers de personnes au cours de l'année.

(2) L'ajout de plus de 4000 nouvelles places dans le programme de formation.

(3) Un fonds d'innovation de cinq millions de dollars qui servira à promouvoir les activités de développement économique communautaire.

(4) Un soutien aux bénéficiaires de l'aide sociale qui veulent créer leur propre emploi.

(5) Un nouveau fonds d'un million de dollars destiné à des projets pilotes qui serviront à aider les autochtones qui ne vivent pas dans les réserves à atteindre l'indépendance financière.

(6) Une attention plus soutenue accordée à l'emploi pour toutes les personnes qui demanderont de l'aide sociale.

Nous sommes convaincus que notre plan convient tout à fait à l'Ontario, mais nous pensons qu'il pourrait également être un modèle valable pour d'autres provinces et pour les initiatives de réforme de l'aide sociale au niveau fédéral.

In conclusion, let me say that JobLink Ontario will be an inclusive set of coordinated opportunities available to all welfare recipients. We are reshaping the system that yesterday said people with disabilities or single mothers, for example, are not employable. We want to break down the barriers and catalyze the cultural changes needed to welcome people with disabilities and others into full participation in our society, culture, economy and workforce. Ontario must benefit from the intelligence, creativity, skills and abilities of all of our citizens.

All of our ministry's employment programs will eventually be integrated into JobLink Ontario. With this announcement, we are adding \$25 million to the already more than \$200 million which our government has committed to assist welfare recipients into the labour force. I believe this is more than a wise use of taxpayer dollars; I believe it is a testament to this government's belief in all of the citizens of our province.

Mrs Yvonne O'Neill (Ottawa-Rideau): I begin by reminding the House of the speech from the throne in April 1993: "The social assistance system is not working. No amount of tinkering will fix it. This government believes it's time for fundamental reform."

First to go was the Ontario child income program, then the Ontario adult benefit program, long-awaited unification of the system. Today we have all that is left of Turning Point, which is this government's answer to welfare reform. Turning Point in a very deflated fashion is being offered to us today.

In July 1993 we were told there were going to be 100,000 targeted educational spaces for social assistance recipients. Mind you, there was no costing provided at that point. Today we are given eight new resource centres, or should I say referral centres or a new set of brokers in eight communities across this province? Even these are not going to be up and running until January 1995, and other centres in other communities across this province are promised over three years with no financial commitment to those other communities. Today's commitment of \$25 million is about \$50 per person for every person who's on social assistance who's unemployed.

JobLink of 1993 was to include literacy training, ESL training, skills upgrading and apprenticeship. I read and I listened and I've watched; there's not one mention of any of those programs today. So I ask again the questions I've been asking for over a year about JobLink: Is this really a personalized employment plan with all the supports necessary to return to work, as was promised on that hot July 8, 1993, day? How long will the participants of JobLink have access to the programs promised today in these resource centres? Does part-time and occasional work fit into your JobLink scheme? Again, not mentioned. Will this program, and perhaps this is the most fundamental question, shorten the waiting lists for employment preparation programs that are already, in most communities, two years?

Will JobLink be integrated with the Ontario student assistance plan? No mention.

1410

Will decisions regarding eligibility for JobLink be appealable?

Will training programs be put in place for staff—that's a question many have been asking for a long time—who will have to implement JobLink, staff who will have to have new skills at conducting assessments, developing employment plans and marketing of their clients to the potential employers.

Is JobLink truly complementary to OTAB and Jobs Ontario and opportunity planning and steps to employment programs that are already in existence?

Is this really a centrally linked, well-coordinated information system, and is that all it is?

The most important question: Will the jobs be there when these participants complete their training?

I close by noting that there have been some good parts to this announcement, because today's announcement talks about self-employment, and the NDP government doesn't seem to be worried now about the word "entrepreneur." They certainly did before.

There's flexibility now going to be permitted for people to learn their trade and to learn job skills through volunteering. That is a new addition which I think is quite meaningful.

I'm very happy that there is attention to off-reserve native initiative, and certainly most happy that there's improved exploration of employment opportunities for the disabled.

I'm very happy to see that there's an intent to continue the partnerships with municipalities, because the municipalities have done some very excellent programming.

But we're left again with uncertainties, with no real commitment and with the communities and the people who are to be served wondering what they are really going to get into.

Mr Michael D. Harris (Nipissing): I believe that today's announcement, the gutting of the commitment of this party for so many years and of the original JobLink commitment, the absolute gutting of \$25 million—they spend hundreds of millions destroying day care spaces by taking the private sector out of day care. There are fewer

spaces in Toronto today than there were when this government took office, if you can believe this.

Listening to all the rhetoric of the party, never have I heard a more pompous statement than to say, "This could be an example for the federal government, for other provinces." They're all so far ahead of you that it's a disgrace for you to make such a pompous statement; \$25 million. The rest of the world's ahead of you, the federal government's ahead of you, the rest of the provinces are ahead of you, and you make that kind of pompous statement that this is a far-reaching policy.

You lost the battle. The Premier and the cabinet gutted your commitment to welfare reform. Today's announcement is unfortunately a signal that as far as the NDP is concerned, as far as this government is concerned, Thomson, SARC, the welfare reform so badly needed are dead. They're dead.

We had the Liberal Party which did absolutely nothing except make the problems worse in good times. We had pretty good times and they couldn't solve the problem. Now you say times are too tough and you can't solve the problem.

In the Common Sense Revolution we committed \$500 million to reforming a disastrous, failed welfare system in the province of Ontario, \$500 million to implement the kinds of reforms that are required.

I read through your statement, Minister, and really and truly, I don't know where you get the nerve. I'm surprised you made this statement today. I thought you would have slunk off and hoped nobody noticed the backtracking and the wimping out and the lack of support for real welfare reform in this province. Not only that, but you tell us that if the federal government doesn't cooperate, you can't do it. What absolute nonsense.

Interjections.

The Speaker (Hon David Warner): Order. The member for Cochrane South.

Mr Harris: When are we in Ontario going to fix our own problems instead of trying to bankrupt the federal government every time we turn around?

Interjection.

The Speaker: The member for Cochrane South, please come to order.

Mr Harris: On page 4 you say, "Our municipal partners, as well as many community-based agencies, have been on the leading edge." They sure have. There is more meaningful training going on by unions in union halls all across this province. They couldn't wait for you. They are doing more than you are. You know what's interesting? They're now inviting Cam Jackson, me, Progressive Conservative members to come to the graduations in the union halls, because they are doing more than you are doing on behalf of getting their members back to work.

As I travelled this province, just last week at a luncheon meeting—

Interjection.

The Speaker: The member for Oxford, please come to order.

Mr Harris: —in Bowmanville where union members came out, as I talked about the Common Sense Revolution, they said, "Finally, some common sense, some hope that our members will be retrained, that there'll be jobs for them."

You are a disgrace. You are an embarrassment. You ought to resign, and you ought to resign today.

MEMBER'S COMMENTS

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I draw your attention under the standing orders to rule 23, which says:

"(h) Makes allegations against another member.

"(i) Imputes false or unavowed motives to another member.

"(k) Uses abusive or insulting language of a nature likely to create disorder."

Mr Speaker, I ask you to review the statement made by the member for Middlesex this afternoon, who suggested that my taking part in committee hearings on Bill 21 was "filibustering" etc. I ask you to review her statement and see if it complies with the standing orders of this House.

The Speaker (Hon David Warner): To the member for Mississauga South, I certainly appreciate the matter which she draws to my attention. The member will know that often there's a difference of opinion which will be expressed in the House by members on both sides. Indeed, it would seem to the Speaker that that's in fact what we had, a difference in point of view on the subject matter, and there was certainly nothing out of order about having a difference of opinion here in the chamber.

Mrs Marland: On a point of order, Mr Speaker.

The Speaker: A new point of order, the member for Mississauga South.

Mrs Marland: I am simply asking you to review, because it wasn't a matter of opinion; it was impugning my role as an opposition member representing—

The Speaker: The member has a concern. I've already ruled on this. There is nothing out of order.

ORAL QUESTIONS

CONFLICT-OF-INTEREST GUIDELINES

Mr Robert Chiarelli (Ottawa West): My question is to the Premier. It concerns the court case against four members of the board of the Van-Lang Centre, the non-profit housing corporation in Ottawa West. It deals with the conduct of his Minister of Housing and it's the same matter that was raised yesterday in the Legislature in a number of questions.

I want to refer the Premier to his own conflict-of-interest guidelines, in particular to section 22, and I want to read to the Premier the operative words of section 22:

"In any adjudicative...process by...a provincially appointed tribunal..."—I want to stop there and indicate that we're talking about a provincial offence, a provincially appointed judge and a provincially appointed crown attorney to prosecute the case, so a provincially appointed tribunal—"ministers shall not communicate on behalf of a private party in any manner in which his or her position as minister could reasonably be perceived as influencing a decision."

She communicated about the case. She had discussions. She admitted that. Even though she denies saying, "Drop the court case," she discussed the possibility and expressed the hope that the court case might be dropped. That's clear from her own words.

Second, it dealt with private parties. We're talking about four accused people, one of whom is a constituent of the minister.

Third, there's no question, when you're given the nature of the meeting, with representatives from the ministry there, that her position as minister could be reasonably perceived to affect the outcome of this particular case, ie, whether in fact the charges might not even proceed. That was a possible outcome, from the minister's own words, of the meeting she attended.

Premier, I'm directing you specifically to your own guidelines, section 22, the operative words, the facts which are admitted by your minister.

The Speaker (Hon David Warner): Would the member place a question, please.

Mr Chiarelli: Will you not now admit to the people of Ontario that your Minister of Housing is covered and entrapped by section 22 of your own guidelines?

Hon Bob Rae (Premier): No.

Mr Chiarelli: I have a supplementary. I want to refer the Premier to section 24 of his own guidelines. I'll quote that. "Where a minister's constituency office undertakes activities in which members normally engage on behalf of constituents, ministers shall take all reasonable steps to ensure that their office as minister is not used to further the interests of the constituent."

I'm informed by participants in this particular fact situation that all parties have communicated, in one way or another, by letter, phone, with representatives of the minister's constituency office. At least one of the constituents, one of the defendants, the accused, being the subject of these charges, resides in the constituency and is a constituent of the minister's.

I'm basically saying that we now have the minister's constituency office involved with these individuals, one being a constituent, and then the minister moves into a meeting with her ministry officials at which one of the items on the agenda is the charges against four individuals.

I'm saying to you, Premier, that what we have here again is a clear, admitted fact situation which covers the minister under section 24 of your guidelines. Will you tell the people of Ontario that your minister is covered by section 24, based on her admitted facts?

Hon Mr Rae: I think the member is quite wrong.

Mr Chiarelli: I can understand the Premier wanting to defend his ministers. I cannot understand why the Premier will not answer questions in this Legislature to the people of Ontario based on the facts, which are very, very clear.

Premier, I want you to listen to the following quote from the Ottawa Citizen in today's paper—your minister speaking again. I'm quoting from the Citizen today:

"Outside the Legislature Gigantes...admitted one

outcome of her meeting might be that Pretty's case against the board would not go to court.

"I suggested if that were possible, perhaps the board would be willing to back off and think again about an action which they had proposed to bring forward."

Again we have the minister involved, using her own words, in a fact situation which is impacting on whether or not charges may or may not go forward. Premier, there's a very real possibility that her conduct would influence the outcome of these particular charges, and whether they would go forward.

The Speaker: Would the member place a question, please.

Mr Chiarelli: This is not a matter that should go forward to committee, as you suggested, and cost the taxpayer between \$200,000 and \$300,000. It's a clear case where you should accept your responsibility and ask for the minister's resignation. Will you do that, Premier?

Hon Mr Rae: No.

NON-PROFIT HOUSING

Mrs Lyn McLeod (Leader of the Opposition): My question is for the Minister of Housing. According to an article in today's Toronto Star, a development consultant for Cypriot Homes, a Kitchener non-profit housing corporation, used his involvement with Cypriot Homes to flip land and make a \$135,000 profit. This is clearly a private profit made with public dollars.

Your ministry has apparently been aware of this situation for at least three years, so my question to you today is a very straightforward one: Exactly when were you apprised of this issue, and exactly what actions did you take once you were advised?

Hon Evelyn Gigantes (Minister of Housing): The situation which has been referred to in the Toronto Star is one in which the Waterloo Regional Police have been conducting inquiries. It came to my attention early this year, and the interests of the ministry in this matter certainly had already been followed up.

Mrs McLeod: Early this year is of course earlier in 1994. I would think that the red flags went up on this project at least in November 1991 when Mr Andres, the development consultant, pleaded guilty to fraud on another land deal. I would think your ministry was seeing some concerns with this issue since the Ontario Housing Corp lawyer, David Fedy, began raising his own concerns about the matter in 1991, and when the legal branch of your ministry apparently was advising that legal action be taken. I would think that there were still red flags going up when that same David Fedy wrote to the Premier in November 1993 detailing the very serious irregularities in the purchase of this land. Clearly, the concerns that had been raised since at least November 1991 had not been dealt with by December 1993.

The Premier referred this matter to you in December 1993. Will you advise us what you advised the Premier at that time of exactly what action was being taken on the matter?

Hon Ms Gigantes: The Leader of the Opposition incorrectly refers to Mr Fedy as an Ontario Housing Corp lawyer. He was not and is not. He is a solicitor with a

private law firm and he carried out his own interest in following through on matters of interest to him.

Certainly, the ministry was aware of the situation, and if it's any help to the Leader of the Opposition, I can tell her that by September 1992 a new project consultant, a new project manager, was in place at that particular non-profit organization.

Mrs McLeod: I trust the minister is not discounting the legitimacy of the concerns that have been raised about this particular deal and about the fact that there has been a \$135,000 private profit made with public funds on a land flip deal. We simply can't understand why over a period of three years there was no apparent response from your ministry in dealing with what is clearly a significant concern.

We have to wonder when a lawyer who is involved with the issue and clearly concerned about irregularities in the issue, trying to get some action from your ministry and your government, is advised by the ministry that land flips in the non-profit housing industry are a common occurrence.

Some of us today remember the Provincial Auditor's report in which concern was expressed about the fact that in non-profit housing there was higher than market value being paid for land. This would appear to be one of the reasons for that concern. It really is hard to understand why it has taken so long to be able to get action on this very serious concern.

The question today is: What did you do? When did you do it? What action did your ministry take? In fact, was this not even treated as an urgent and serious issue because land flips in non-profit housing are indeed a common occurrence, as your officials have told David Fedy?

Hon Ms Gigantes: I'm not privy to who Mr Fedy may have talked to, but whoever it was may have been describing past history. I don't know. It may have been a common occurrence under the old non-profit housing schemes which the Liberal government ran in this province.

Let me tell the leader of the official opposition that the public consultation conducted by the Ministry of Housing in 1991, leading to new policy for non-profit housing programs in this province in 1992, which is being implemented through the Jobs Ontario Homes program, includes strict appraisal guidelines which didn't exist before, requirements for title searches of a nature that did not exist before, guidelines for hiring development consultants which did not exist before, conflict-of-interest guidelines which did not exist before and stringent site selection requirements.

Let her ask herself what was the experience of the previous government, and let us tell you about what we've been doing in this government to make sure that the non-profit housing program we're operating is accountable.

1430

The Speaker (Hon David Warner): New question, third party, the honourable member for Mississauga South.

Mrs Margaret Marland (Mississauga South): My question is also to the Minister of Housing. Minister, you know what really blows us away, not only in this House but in this province, is that you stand in this House—you are even laughing at this point—and you make announcements; for example, you announced a \$29-million write-off. You seem to think that all you have to do is stand in this House and defend what has been going on. What our questions are simply asking you is, why don't you for once stand in this House and agree that there is a problem?

Hon Mike Farnan (Minister without Portfolio in Education and Training): There's got to be a question here, you know. Come on, Margaret, give us a question.

The Speaker: The member for Cambridge, please come to order.

Mrs Marland: Most of us of course recall that most of these programs were the Homes Now program under the former Liberal government, which announced 30,000 homes in a big panic after it had already announced 110,000 homes it couldn't fulfil. We realize where the problem started, but the fact is that you've been the government for four years.

The Speaker: Will the member place a question, please.

Mrs Marland: Will you for once agree there is a problem?

Hon Ms Gigantes: From the member for Mississauga South we for ever get loose allegations pieced together from bits of misinformation which, if she followed through on them, she would know don't fit together and are providing misinformation.

The letter that was received by the Premier and by me from Mr Fedy was taken very seriously by both of us. But let me assure the members opposite that in fact the Ministry of Housing not only has looked at the issues raised by Mr Fedy, but also the larger issue, which I wish members here would address themselves to, which is, what is going on in the program design that means we have an accountable program that provides cost-effective administration and makes sure that guidelines on conflict of interest and overlapping interests are not permitted? They are not permitted.

In this particular case, the Waterloo Regional Police are making inquiries, and I don't wish to speak about the particulars, as she will well understand.

Mrs Marland: The only "loose" information in this House unfortunately comes from you as the minister. All the questions we are asking are based on your own ministry audits, and you don't understand that it's your own ministry audits that the press and the media are having to write about every single day in this place and across this province because you will not take action; the fact that you seem to think it's all right for a development consultant to pocket \$95,000 using a blank cheque from the non-profit corporation, that it's all right that he pleaded guilty to criminal and fraud charges. If you think that's all right, we simply ask you again, as Minister of Housing, what is your standard for how non-profit housing corporations operate in this province?

Hon Ms Gigantes: It's hard to believe this is the same member who was on her feet a few minutes ago complaining that somebody was imputing motives to her. She's now reading my thoughts and telling the world what my thoughts are. It is incorrect, it is absolutely incorrect for her to suggest that when issues are raised about accountability of government—

Interjections.

The Speaker: Would the minister take her seat, please. Minister.

Hon Ms Gigantes: I was raising my voice. It's hard to hear oneself over the babble over there. But let me tell her very seriously, and I hope she'll take my word for it—she's a reasonable person, and I hope she'll take my word for it—that we take all questions raised about the integrity of the non-profit housing program in a very serious manner. In fact, in the questions which have been raised today, the ministry has taken action. And in the larger sense, if the member would please inform herself about the changes which have been instituted by this government in the administration of the non-profit housing program, I'm sure she would feel much less agitated than she appears to.

Mrs Marland: You're right, Madam Minister: I'm agitated, and so are the people of this province, because of your incompetency in this place. You do not seem to realize that as a minister of the crown you have to answer to the public about the misappropriation of funds. When you're allocating support for these programs, you're saying it's all right.

I didn't say what your standards were. I wouldn't begin to try to say what your standards were, and I would never try to read your thoughts. Fortunately, they're recorded in Hansard. But I can tell you one thing: Your standards are such that you reappointed Mr Quart to serve another 12 months on the McClure Community Homes board in Hamilton, after he'd already been found to have examples of absolute mismanagement. You reappointed him, you rewarded him. You paid him \$60,000 to do it more for another 12 months.

We're simply saying to you, why do you feel so compelled to stand in this House and defend incompetence? Obviously, as minister you are the captain of the non-profit ship—we are going to rename it the Titanic—and I want to know, are you going to go down with your ship and resign?

Hon Ms Gigantes: It's another example of the wonderful stew that can get served up by the member for Mississauga South when she wants a tasty morsel for the media. She has linked together items which are not in the least connected, and it is absolutely not the case that we do not care about the administration of this program.

We have spent two years in working on a new design in consultation with people who are housing providers across this province, including the private sector, and we have produced a program in which we believe we will find integrity and we believe the public will find accountability.

The member for Mississauga South would prefer to raise issues that are old issues and say that our govern-

ment doesn't care about them, that our government has done nothing about them. Our government has redesigned the whole program. She doesn't want to learn that, she doesn't want to see that and she will never say it, but it's true.

The Speaker: New question, the leader of the third party.

Mr Michael D. Harris (Nipissing): My question's to the Premier. Premier, as we raise case after case of fraud, mismanagement, overspending, conflict of interest and patronage, it is becoming very clear that the problems—

Hon Mr Farnan: Solemn voice now for this question.

The Speaker: Order.

Mrs Dianne Cunningham (London North): Throw that member out, Mr Speaker.

The Speaker: It may be greater punishment to stay. I must caution the member for Cambridge. He has been asked before to come to order, and I caution him now to please come to order. The leader of the third party with his question.

Mr Harris: It's becoming very clear that the problems in government housing are systemic. They go well beyond the scope of the current minister. This black hole is bigger than all of your cabinet. We can continue to appoint legislative committees to investigate individual matters, we can continue to call in the police, but the bottom line is that the system needs to be fixed.

Premier, given the litany of revelations under your government and the former Liberal government and given that those who need help are not getting it, will you today establish a judicial inquiry into government housing in Ontario?

Hon Bob Rae (Premier and Minister of Intergovernmental Affairs): I think there needs to be a debate about the issue of non-profit and social housing across the province.

I must say to the honourable member, my concern about some of the rhetoric I hear from him and from his colleagues is that it will lead to the elimination of non-profit and social housing in the province, and that's not something we want to see.

I would say to the honourable member that it is crucial for the accounting and for the efficiency of the program to be improved all the time. We had some valuable advice from the public accounts committee yesterday, which advice I think is going to be very helpful to us, and it already has been. We are already putting in place measures which we believe are going to improve the accountability of the system.

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But my concern has been if you look, for example, at the fact that in community and social services there are 7,000 agencies which receive public funds and which are run by non-profit boards; in the area of housing we have hundreds of such boards and in health it's a similar situation. I think we have to come to terms as a province. If you want to eliminate these programs, the impact will be serious. If you want to eliminate volunteers, the impact will also be serious.

I would say to the honourable member, we constantly need to be reviewing and trying to improve the system. We have to improve accountability. We have to make sure that measures are in place.

The Speaker: Could the Premier conclude his response, please.

Hon Mr Rae: We have to ensure that people are advised and informed and able to deal with it.

With respect to the particular question the honourable member asked, I don't happen to believe that a judicial inquiry is the route for us to go. We referred it to a committee once; I'd be happy to refer the general subject to a committee again. It's still in public accounts. I think that's where it belongs in terms of letting the province see what the issue is.

The Speaker: Could the Premier please conclude his response.

Hon Mr Rae: If we have hundreds, indeed thousands of volunteer agencies, we have to find the accountability mechanisms that allow this to work, but I, for one, don't want to see the elimination of non-profit housing across the province, including in Scarborough.

Mr Harris: Ontario's government housing industry is the biggest boondoggle this province has seen. In fact, it may be the biggest government mess North America has seen. I tell you that it certainly rivals HUD, the Housing and Urban Development scandal in the United States. I think we're dealing with more misspent taxpayer dollars in fraud than the HUD scandal of the States. "Non-profit housing" has become a dirty word. Corruption, waste and mismanagement in the affordable housing industry have tainted ministers from Chaviva Hošek to Evelyn Gigantes.

Interjection.

The Speaker: The member for Cochrane South, please come to order.

Mr Harris: It was partially responsible for the fall of the last government, as the root of the Patti Starr affair. Premier, it is time to put a stop to the HUD of the north.

I ask again, will you appoint a member of the judiciary to head up an inquiry into the massive sinkhole that is government housing in Ontario?

Hon Mr Rae: I think we should be relying on the Provincial Auditor and the public accounts committee for advice. I would say to the member, just because he's getting advice from American consultants who are preoccupied with the experiences of the Republican Party in the United States and with the experiences of the Reagan administration in the United States and with the campaigns of Ollie North and all of his friends down in the United States, don't ask me to get on your Ronald Reagan bandwagon. I will not get on it; it's not the way to go. What we need is a good system of public accountability where we have help from the Provincial Auditor. I think that's the best approach to take. Perhaps we could lend the American flag to the leader of the third party.

But I want to tell the honourable member, if he wants to have a serious discussion about this, that's fine, but his level of rhetoric, the inflamed level of rhetoric that's there, is completely out of proportion to what in fact we

are facing in terms of public administration.

Mr Harris: Premier, every day you delay, the situation gets worse. Six years ago, on December 5, 1988, even before the Patti Starr fiasco, as Housing critic I raised this issue. I warned the former government that there was fraud, that there was abuse, that 100% government dollars was leading to a massive ripoff of taxpayer dollars.

Premier, you say the auditor is the way to deal with this. Two years ago the Provincial Auditor revealed massive problems. He revealed that by 1995 operating subsidies alone will cost \$1 billion a year. Taxpayers are on the hook for billions of dollars in mortgages for units that, at the end of the day, taxpayers won't own. It is in everyone's interest to clean up the mess.

As an interim measure, will you immediately freeze all existing and all new projects until a new government can scrap the program and bring in shelter subsidies that will truly help people who need help? Will you at least do that?

Hon Mr Rae: Now we see what the real agenda of the new right is. The agenda of the new right is to eliminate non-profit and social housing altogether. That's the agenda of the new right. I say to the honourable member that's a subject that's worth discussing and we can continue to discuss that. I will tell you, I was last week at a housing project in Hamilton, and there were disabled kids there with better access to decent housing, better access to good care—

Mr Harris: Fraud, mismanagement, conflict of interest, patronage. Hundreds of millions of dollars. Crooks.

The Speaker: Order.

Hon Mr Rae: —better access to decent shelter than they ever had under a Conservative government—

Mr Harris: Patronage, fraud, mismanagement, incapable ministers, a cabinet that doesn't understand what's going on.

The Speaker: Order, the leader of the third party.

Hon Mr Rae: —that would shut down non-profit housing and would shut down social housing. That is not a step I'm prepared to take.

Accountability, yes; your new right, Tory agenda, no. We're going to have better accountability. We're not going to shut down the program. That's exactly what we're going to do.

Mrs Marland: You have some gall to talk about disabled children. Don't ever talk about disabled children in this place.

The Speaker: Order. Would the member for Mississauga South please come to order.

The Leader of the Opposition with her question.

Mrs McLeod: Again to the Minister of Housing, we have asked a question in the Legislature and we are asking for an answer. This is not a question about the NDP's grand design for social housing; it is not an invitation to a debate about the appropriate role of non-profit housing. It is a question to a minister who pursues non-profit housing so exclusively and with such blinders

on that she refuses to hear the questions, let alone to answer them.

This is a very specific case. It is a concern about a private profit made with public dollars on a land-flip deal to a non-profit corporation. It is a concern about a case which is clearly unacceptable and which your ministry knew about for at least three years. The question is a straightforward one: What have you done and when did you do it?

Hon Ms Gigantes: The specifics of the case are not open for me to raise in this House and not to raise at all, in fact.

Interjections.

The Speaker: Order. The member for Ottawa West, come to order.

Hon Ms Gigantes: The police are involved in inquiries around the case—

Interjections.

The Speaker: Would the minister please take her seat.

Interjections.

The Speaker: Minister.

Hon Ms Gigantes: It would be very foolish, as the leader of the Liberal Party knows, the leader of the official opposition, and it would be unethical for a minister to talk about the specifics of a case which is under police investigation. It can very well jeopardize what is going to happen in the police case, so I'm not going to do that.

Mrs Marland: You don't talk about it even when it isn't under investigation, for crying out loud.

The Speaker: Order.

Hon Ms Gigantes: But I will repeat to her that in fact the allegations that have been around for some time are allegations which have led to a change in the non-profit and have led to the installation of a new project management firm at the non-profit, and that dates back to September 1992.

1450

Mrs McLeod: Minister, there does seem to be something of a double standard in the House today, because you considered it quite appropriate in a case in Ottawa with a court case pending not only to comment but in fact to meet with the parties. Today in the Legislature you will not respond to a very legitimate question in an area in which you clearly have responsibilities as a Minister of Housing. That is not acceptable. I say to you that it is not acceptable to attempt to defend the non-profit housing system, to which you are clearly committed, unless you are prepared to deal quickly and decisively with clear evidence of abuse. It is clearly unacceptable to have a private individual make a profit of \$135,000 on a land-flip deal.

I ask you, if you consider that unacceptable—and I trust that as a Minister of Housing you consider it completely unacceptable—what do you believe should be done in such a case, and are you doing it in this case?

Hon Ms Gigantes: The Liberal leader is trying to get me to say that something happened. I don't know that

something happened. Perhaps she was here earlier when one of my colleagues pointed out very clearly that—

Interjections.

The Speaker: Would the minister take her seat.

Interjections.

The Speaker: Minister.

Hon Ms Gigantes: The issues that have been raised are serious issues, and they deserve to be dealt with in a serious manner. To compare what is happening here with my conversations with the non-profit board last week, these are totally different kinds of questions. In one area, I was attempting to mediate a dispute among board members; in another area, I have responsibilities as a minister, which I intend to execute in the way I think appropriate and which she would agree is appropriate if she were being straight.

INVESTIGATION OF CROWN ATTORNEY

Mr Charles Harnick (Willowdale): My question is to the Attorney General. It pertains to an article that was in the Globe and Mail this morning dealing with a police probe of a crown lawyer dealing with sexual allegations against a Thunder Bay prosecutor. The article indicates that police have known of the allegations against this prosecutor since last August.

I wonder if the Attorney General can tell us when the regional crown attorney first learned of this, when her ministry first learned of this and what steps the ministry has taken since that time.

Hon Marion Boyd (Attorney General): In—and I believe it was—August of last year, the police in Thunder Bay promptly brought to the attention of the ministry the allegations that had been made. We followed our usual procedure at that time. We encouraged a thorough investigation. We advised the police that a senior crown attorney, not in the region and not connected with that particular office, would review any legal issues that the police might have.

The police advice at that point was that although they were concerned, they had no corroboration for the allegations. However, it did prompt a human relations investigation. There was some disciplinary action taken at that point in time. Similarly, when additional allegations were brought forward, a similar prospect was done. People were encouraged to thoroughly investigate and to follow the same procedure.

Mr Harnick: My understanding is that this investigation continues to this day. In fact, there is some idea that the police are going to forward the results of their investigation to your office for a determination as to the next step.

I'm quoting the article, when it refers to the crown attorney stating that "he holds a position of the utmost public trust. He has access to police records and evidence, and decides whether to prosecute those suspected of committing crimes." These allegations that have been made against the crown attorney are very serious allegations. I wonder why, during the course of an investigation and knowledge by the ministry for at least the last nine months, this crown attorney has continued actively prosecuting cases pending the completion of this investi-

gation, and is that status of this crown attorney going to continue?

Hon Mrs Boyd: There was an investigation of the initial allegations, and it was determined that there was no further action going to be taken by the police at that point in time. One then obviously is faced, in a human relations sense, with the appropriate disciplinary action.

I can assure the member that there was disciplinary action taken, that the cases assigned to the crown attorney were carefully chosen to ensure that there was no conflict of interest in the particular area in which the investigation occurs.

The member is well aware that this is not an isolated case. There are other issues where crown attorneys are accused of a number of things. Certainly, as soon as charges are laid, there are reassignments made to prevent someone from having any position where they might have undue influence over the administration of justice.

In this case, as the member points out quite clearly, the investigation is proceeding and it would be inappropriate to comment about further action at this point in time.

EDUCATION FINANCING

Mr Len Wood (Cochrane North): My question is to the Minister of Education and Training. Many school boards in my riding have had difficulty dealing with their budgets. While they recognize the province does not have a lot of money, they are concerned that there must be a recognition of the special needs of the north as there are higher heating costs, transportation and other isolated costs.

Minister, do the grants that your ministry gives to school boards take into account the extra costs faced by northern boards?

Hon David S. Cooke (Minister of Education and Training): I appreciate the question from the member. This ministry does recognize and accept the fact that for smaller schools and smaller boards there are additional costs, especially in northern Ontario. In the GLGs, the general legislative grants, there were in fact \$93 million included in the 1994 GLGs that specifically went to small schools and small boards, most of which went to northern Ontario.

Mr Wood: The administrator of the Kapuskasing District Roman Catholic Separate School Board has recently stated that students in the board received only \$5,000 in funding, while the same students in Toronto received \$9,000. Minister, is this true, and if so, why is this unfair situation allowed to continue?

Hon Mr Cooke: The administration at your board would understand that grants that come from the ministry are based on the wealth of the board. In Metropolitan Toronto, the comparison would be that there is no GLG money that goes to the public boards. In your area it's several thousand, and the expenditure per pupil is \$7,300 at the Kapuskasing District Roman Catholic Separate School Board.

I should also point out that because of the differences, capital grants are also directed to boards that need them the most. In your particular area, your school boards received \$38 million in capital grants in the most recent

capital announcements that our ministry made on behalf of the government. None of that money goes to Metropolitan Toronto's public board. You got \$38 million because of the good work that you do, but because your board needed it as well.

CANCER TREATMENT

Mrs Lyn McLeod (Leader of the Opposition): My question is for the Minister of Health. Last December, during the work of my task force on cancer care, we heard stories of unacceptable delays in the special approvals process for certain cancer drugs. We heard from cancer specialists who were particularly concerned about the eight- to nine-week delay for approvals for GCSF, which is a drug that's used to help chemotherapy patients fight life-threatening infections, obviously a drug which gives cancer patients the maximum chance of fighting their disease.

You told me when I raised those concerns in the Legislature that you believed the system for special approvals was working but that you would undertake to make sure there were not undue delays.

1500

You're aware that a news conference was held today by AECCO, Access to Effective Cancer Care in Ontario, which is a coalition. They determined, through information they got under freedom of information, that the average waiting time for this drug between June 1992 and December 1993 was 61 days. That is still almost seven weeks.

I think we have to be clear about who this particular special approvals process affects: it's for those who are on drug benefit plans, so it is the poor and the elderly, and they are waiting an unconscionably long time for a drug that they need immediately. Minister, do you consider this to be a system that's working?

Hon Ruth Grier (Minister of Health): I'm glad to have an opportunity to speak to this, because I don't recall when it was the Leader of the Opposition had raised it, but certainly it is an issue with which I've been concerned and I'm delighted to be able to tell her and to tell the House that yes, indeed, as the people who had the press conference this morning indicated, between June 1992 and December 1993 there was an unnecessary and, in my opinion, unacceptable delay for the availability of this drug. I said I would look into it, and I'm glad to be able to tell her the problem has been fixed. In fact, between January 1994 and April 1994, our information is that we're looking at seven or eight days.

What we did was to indicate that urgent requests for this drug be treated on a priority basis, and we have a commitment to physicians that we will respond to those requests within seven days. That's happening, the system is working and the problem is no longer in existence.

Mrs McLeod: Minister, I'm not sure if you gave the data on the average length of time to the coalition that had the press conference this morning. They've tried for some time to get information so that they could be absolutely fair in raising their concern after what has been a long period of time to get information on the average waiting time for this drug. They did indicate that

they believed anecdotally, because they couldn't get the information on the current statistics, that there had been some improvement, but that there were still inconsistencies in the length of time that was needed to get approval, and there were also very real inconsistencies in terms of who did get approval for the use of this drug and who did not.

It's also been made very clear that the time frame for response should be 48 hours, that people need this drug very quickly, and that in other provinces they have brought about a turnaround time considerably better than the time in Ontario. Alberta's is answered within a week; in Saskatchewan, they've managed a three- to four-day turnaround; in Quebec, in New Brunswick, in Newfoundland and Nova Scotia, it does take only two days to get an answer to a request for this particular drug.

Clearly, Minister, you would agree that it is absolutely unacceptable that cancer patients in Ontario should have to wait a needlessly long time for a drug which they need so desperately. Will you tell us whether or not you can get the response time for this drug down to within 48 hours, and that there will be a consistent process for approvals so that people know who will get it and that they will get it quickly?

Hon Mrs Grier: My understanding is that there is a consistent process for approval, and as I said in response to the first question, we've reduced the time from 61 days to seven days. Let me say to the member that on some occasions when the oncologist can give advance notice of the intent to prescribe the drug, we can in fact move that up. The commitment is that we do it within seven days. There are many occasions when it is less than that, and obviously if you're going to make that kind of a commitment, you have the commitment to do it as quickly as possible. That's what we've achieved, that's what we're doing and that's what cancer patients deserve.

CONFLICT-OF-INTEREST GUIDELINES

Mr Charles Harnick (Willowdale): My question is to the Attorney General, who disappeared but her books are still on her desk.

The Speaker (Hon David Warner): Is there some other minister to whom you wish to address the question?

Mr Harnick: I suspect she hasn't gone far, and after all, question period's only one hour in length.

The Speaker: I'm afraid I can't be of help to the member, other than to invite him to place a question to some other minister or allow his colleague to ask a question.

Mr Harnick: To the Minister of Housing: a question. Minister, do you think that it's appropriate—oh, here's the Attorney General. May I take that back, Mr Speaker?

The Speaker: We're all so congenial today. Of course.

Mr Harnick: Thank you. My question is to the Attorney General: Do you think that it is appropriate for a minister of the crown to ask a private citizen to withdraw a charge that that private citizen has laid in a court in the province of Ontario?

Hon Marion Boyd (Attorney General): Mr Speaker, the member is obviously trying to draw me into the

questions that have been asked of the Minister of Housing, and I'm not prepared to participate in that game.

Mr Harnick: You may not be prepared to participate in that game, but you are responsible for the administration of justice in this province. That's number one.

Number two, you, as the chief law enforcement officer, more than anyone in this province should know that it's highly improper, it's most improper, for a minister of the crown to pressure a private citizen into withdrawing a charge that citizen laid. You know that and every minister in your government including the Premier knows that. Now, get up and acknowledge it or you shouldn't be the Attorney General.

Hon Mrs Boyd: Obviously if that were to happen it would be improper, but the Minister of Housing has clearly denied that's the case.

Mr Harnick: If it were to happen, it would be improper?

The Speaker: Order. The member for Willowdale.

Hon Mrs Boyd: I would remind the member, who had a histrionic display in this Legislature not very long ago about people being presumed innocent until proven guilty, that we believe in the presumption of innocence on this side of the House.

Mr Harnick: If it happened, it's wrong? Well, it did happen.

The Speaker: Order. The member for Willowdale, please come to order.

ACCESS TO FORESTS

Mr Gilles Bisson (Cochrane South): My question is to the Minister of Natural Resources. Recently, I met with a number of anglers and hunters in my constituency office. They are extremely upset, to say the least, in regard to the current policy when it comes to the resource access road policy that the ministry currently utilizes.

As the minister would know, what happens is that a forest company, in order to be able to harvest timber in a particularly sensitive area that might be near a tourist outfitter's lake, builds a road in order to get that timber out. When the harvesters are out of there, the road remains and the ministry posts a sign saying that you can't access it.

What can the minister say to the anglers within the riding of Cochrane South, and I would say generally in northern Ontario, who face these signs, are extremely upset and would like to see them taken down?

Hon Howard Hampton (Minister of Natural Resources): The question is a good one and it's very important across northern and central Ontario. The reality is, the Ministry of Natural Resources tries to manage crown lands with a variety of interests and a diversity of values in mind.

When forest access roads are built, the Ministry of Natural Resources, through the timber management plan, tries to get all the various interest groups to attend open houses, to review the timber management plan and to focus their attention upon where roads are going and what other resources other than forest resources may be accessed.

The use of timber management planning and the use of open houses to draw public attention and focus public attention on fishery issues and other wildlife issues is not always successful, and I acknowledge, as the member has indicated, that it creates a lot of controversy.

We are trying, through the new Crown Forest Sustainability Act, to find another method of focusing public attention on the diversity of values and issues that need to be resolved.

Mr Bisson: I think most people would agree that what we really need to do is to find a way to involve those people who utilize the forests from all sectors, not only the harvesters of the timber but also those people who access forests for recreational use, at the very beginning so that we can find a better way of trying to deal with these issues at the beginning. If we're able to come to terms with that, possibly we're able to eliminate some of the conflict that arises afterwards.

I wonder if you can explain for the constituents of Cochrane South and those people interested how the sustainable forest initiatives would deal with that current situation and alleviate possibly some of those problems.

Hon Mr Hampton: The member is quite right. As the system exists now and has existed for some time, the perception is that the Ministry of Natural Resources makes all the decisions as to which roads can be used, which ones must be closed and which ones must have some restrictions. That's not a fair representation of the issues, but that is certainly the public perception.

What needs to happen is, we need to provide a system where local citizens and interest groups actually become involved in the decision-making. Under the new legislation, we propose to have local citizens' committees. Those committees would be struck to analyse all of the resource use issues and would be required to work at finding resolutions to some of the disputes and trying to overcome some of the local conflicts.

The end result is that people will be more involved in the decision-making, they will be more responsible for the decisions which are the eventual outcome and, in the final analysis, Ministry of Natural Resources officials will not be blamed for decisions which will always involve a compromise or a consensus.

1510

NEW WCB HEADQUARTERS

Mr Steven W. Mahoney (Mississauga West): My question is to the Chair of Management Board, if I could have his attention. Last September I raised the issue of the Workers' Compensation Board—actually that American flag would be appropriate for this question; you might want to hold on to it—choosing to buy a flooring system for its new building, Simcoe Towers, from a company in the state of Michigan. They chose the American manufacturer over a company right here in Oakville which manufactures a cheaper system of equal or better quality.

To share with you and remind you, this is a sample of the elevated floor system that's made right here in Oakville with a wood core, the Canadian product with a wood core. The American one has a concrete core.

Studies have shown the Canadian floor to be more flexible, longer lasting, equal in strength and half a million dollars cheaper, with five times the warranty of the American product. It's been installed in numerous government buildings.

What is new, Minister, is that your own staff who write the specifications for government projects prefer the Canadian floor system. The distributor who got the contract prefers the Canadian floor system. But the Workers' Compensation Board thinks it knows best.

It's not too late. The contract has not been let yet and given to the American company. Will you review this ridiculous decision by the Workers' Compensation Board and give this contract to the company in Oakville to save Canadian jobs?

Hon Brian A. Charlton (Chair of the Management Board of Cabinet): Because of some of the words the member used in his question, I can't respond in the way the member might expect. I will look into the matter the member has raised and get back to him with regard to the matter. But the member should choose his words a little more carefully in his questions, if he would like a straightforward answer.

Mr Mahoney: I don't understand what words seem to upset this minister. There's a Canadian product manufactured in Oakville. The WCB has chosen to buy a product that has clearly been demonstrated not to be as effective, with a lower warranty, and costing half a million dollars more, from the United States. I don't know what you're offended about.

Let me give you an example. You, Minister, have installed this Canadian product, or you are installing it, in the new Ministry of Agriculture, Food and Rural Affairs building in Guelph, the Ministry of Natural Resources building in Peterborough, the Ministry of Transportation building in St Catharines, the Ministry of Culture, Tourism and Recreation building in Niagara Falls, the Ontario Provincial Police building in Orillia, the Ontario lottery headquarters in Sault Ste Marie. It appears to be good enough. It's even got a stamp of approval from the Ministry of Housing. It appears to be good enough for all your projects, but it's not good enough for the Workers' Compensation Board.

Sometimes in government we get a chance to actually do something. The contract has not yet been awarded to the company from Michigan. A simple change order will ensure that the company in Oakville gets this contract, that a Canadian product is used, and 50 to 75—

The Speaker (Hon David Warner): Could the member complete his question, please.

Mr Mahoney: —Canadian, Ontario, Oakville jobs will be saved. Will you now instruct the Workers' Compensation Board to buy Canadian?

Hon Mr Charlton: The member opposite has loaded his second question with another pile of assumptions and the member across the way has no understanding of their necessary validity. Both of the products in question, the Canadian product and the American product, happen to be excellent products. There is no question about that. I've not seen the technical specs that were sent out in the

building design for the Workers' Compensation Board, but the member opposite has absolutely no expertise in this field either, and his knowledge of the applicability of the two products, I will look into and report back on.

AGRICULTURAL LAND

Mr David Tilson (Dufferin-Peel): I have a question for the Minister of Municipal Affairs with respect to Bill 163, in which the residents of York, Durham and Caledon have specific interest as to the superdumps that have been created in these three areas or are being suggested be created in these three areas.

Minister, the policy statements you set out in Bill 163 try to protect agricultural land. They try to protect the supply and efficient use and conservation of water. Bill 143 on the other hand allows the Interim Waste Authority and your government to build superdumps on agricultural land, on aquifers. These two bills are in direct conflict. How can you justify this contradiction?

Hon Ed Philip (Minister of Municipal Affairs): There is no conflict, as I pointed out in the House when the Minister of Environment and Energy was unable to be here. The most comprehensive, rigorously tested, engineeringly sound system to protect the environment was in fact initiated in the site selection for the dumps.

I can tell you there is absolutely no conflict whatsoever, and I think if the member wants to ask another question to the Minister of Environment, the minister would be happy to go through that with him.

Mr Tilson: You're talking out of both sides of your mouth and you know that, because the fact of the matter is you're building superdumps on farm lands, and yet Bill 163 says that you're going to try and protect farm land. You're going to protect the sources of water. You're doing the very thing, with Bill 143, that Bill 163 says you can't do. I say you're setting up two sets of rules. You're setting up one set of rules for developers and land owners, and a second set for agencies of your own government.

Minister, you don't have any credibility, and when it comes to protecting farm land, why don't you simply admit defeat and can these three superdumps that you're building throughout the greater Toronto area?

Hon Mr Philip: The lack of credibility is with the Conservative Party. They're against all the environmental provisions included in the Planning Act that we've just introduced, and against open government. They want closed doors and no environmental protection. That's what they've said in the debate on the bill.

FRUIT GROWERS

Ms Christel Haeck (St Catharines-Brock): My thanks to the Minister of Municipal Affairs for allowing me to get my question on. It's been of concern to my constituents since we made the announcement because they want to know about the fruit lands—

The Speaker (Hon David Warner): To whom?

Ms Haeck: Sorry, to the Minister of Agriculture, Food and Rural Affairs. I'm so excited about being able to get my question on that I forgot who it's for.

The Niagara fruit land protection program, which we

announced probably about six weeks ago, has been of great interest to my constituents. We've had a lot of calls about the process, and in light of some comments by a regional councillor, I gather there was some concern on the part of my constituents as to whether the region was going to be able to put the money in place to make sure the program was going to fly.

Obviously, that's an extremely important issue for a lot of farmers in my area and I would like to ask the minister, since I'm aware that he has been in discussions with the local community, what was resolved.

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): The member from Niagara raises a good question. A number of the farmers who wished to access this new program to protect tender fruit lands are concerned and would like to know when they can get on with it.

We have an advisory committee that is working with the ministry in designing this program so it's user-friendly, so that farmers can access it and understand it. That committee has had, I think, two meetings to date, and there's another meeting coming up, I believe it's this week, with staff to design the program, work at setting benchmarks, which will be the amount of money farmers might receive in return for putting an easement on their title. That is being worked out, so we will have a process. I hope it will be up and running for the fall and that applications will be available hopefully by September or October.

The other point the member raised is about the regional government. They are putting in some money as well, and I think the member has heard from some of the regional councillors that they haven't voted the money yet. I'm confident that the regional council down in Niagara will in fact find the necessary money to fund this program.

1520

PETITIONS

CAMPING FEES

Mr Hugh O'Neil (Quinte): I have a petition that's signed by thousands of people in my riding, mainly the scouting and guiding groups, and it's addressed to the Legislative Assembly of Ontario:

"Whereas the provincial government has levied a fee for camping at group campsites in provincial parks; and

"Whereas the scouts and guides are children, with leaders and assistants being volunteers;

"We, the undersigned, petition the Parliament of the Legislative Assembly of Ontario as follows:

"To remove the levy charge from scouting and guiding groups camping at provincial parks."

Our people feel very strongly about this, and I would like the government to consider it.

SEXUAL ORIENTATION

Mrs Elizabeth Witmer (Waterloo North): I have a petition from Elmira Pentecostal Assembly, Rev James Gibson. It's been signed by approximately 56 people:

"We, the undersigned citizens of Canada, draw the attention of the House to the following:

"Whereas the majority of Canadians believe that the privileges which society accords to heterosexual couples should not be extended to same-sex relationships; and

"Whereas societal approval, including the extension of societal privileges, will be given to same-sex relationships if any amendments to the Canadian Human Rights Act were to include the undefined phrase 'sexual orientation' as a grounds of discrimination;

"Therefore, your petitioners pray and request that Parliament not amend the Ontario Human Rights Code, the Canadian Human Rights Act or the Charter of Rights and Freedoms in any way which would tend to indicate societal approval of same-sex relationships or of homosexuality, including amending the Human Rights Code to include in the prohibited grounds of discrimination the undefined phrase 'sexual orientation.'"

OCCUPATIONAL HEALTH AND SAFETY

Mr David Winninger (London South): I have a petition addressed to the Legislative Assembly of Ontario, signed by many people in the London area:

"Whereas the right for workers to refuse to do unsafe work is an essential component of health and safety legislation in the province of Ontario; and

"Whereas the threat of sending coworkers home without pay during a work refusal constitutes significant peer pressure to continue to work in unsafe conditions;

"We, the undersigned, petition the Legislative Assembly of Ontario and the Minister of Labour for the province of Ontario to bring private member's Bill 157, An Act to amend the Occupational Health and Safety Act, before the Legislature for third reading."

I've affixed my signature to the petition in support.

KETTLE ISLAND BRIDGE

Mr Gilles E. Morin (Carleton East): I keep on receiving petitions from my constituents from Manor Park, and the petition reads as follows:

"To the Parliament of Ontario:

"Whereas the government of Ontario has representation on the Joint Administrative Committee on Planning and Transportation for the National Capital Region; and

"Whereas JACPAT has received a consultants' report recommending a new bridge across the Ottawa River at Kettle Island which would link up to Highway 417, a provincial highway; and

"Whereas the city and regional councils of Ottawa, representing the wishes of citizens in the Ottawa region, have passed motions rejecting any new bridge within the city of Ottawa because such a bridge and its access roads would provide no benefits to Ottawa but would instead destroy existing neighbourhoods;

"We, the undersigned, petition the Parliament of Ontario as follows:

"To reject the designation of a new bridge corridor at Kettle Island or at any other location within the city of Ottawa core."

I've affixed my signature.

HEALTH INSURANCE

Mr Allan K. McLean (Simcoe East): This is a

petition to the Legislative Assembly of Ontario:

"Whereas the provincial government has recently slashed health coverage by 75% for Ontario citizens who are hospitalized out of the country;

"Whereas this reduction in coverage will affect all Ontarians but will have the greatest impact upon seniors, many of whom travel south of the border for important health reasons and who will be forced to absorb a tremendous hike in their health insurance premiums;

"Whereas the government has justified its decision on the basis of not wanting to pay exorbitant hospital costs, even though currently out-of-country hospital coverage is based solely on the rates charged by Ontario hospitals;

"Whereas the reduction in out-of-country hospitalization coverage below the rates charged by Ontario hospitals represents an indisputable violation of sections 7 and 11 of the Canada Health Act;

"Whereas the Ontario Progressive Conservative Party makes the preservation of medicare a priority in its Common Sense Revolution policy document;

"Therefore, we petition the government of Ontario to act in a fair and just manner by preserving the sacred principles of medicare and immediately restore out-of-country hospitalization coverage to the rates charged by hospitals in Ontario."

That's signed by many signatures from Elmvale, Fergus, Collingwood, Wasaga Beach and Mississauga, and I have attached my name to it too.

DRIVER EXAMINATIONS FOR SENIORS

Mr Ron Hansen (Lincoln): I have a petition here. It's signed with 142 names, plus my own. It's the Grimsby seniors regarding automobile road testing for senior citizens 80 years and over. The petition reads:

"That one day each year be designated by the Ministry of Transportation in the town of Grimsby as a road driving skills testing centre for those licensed holders who are 80 years of age and over."

I affix my signature to this petition.

ASSISTED HOUSING

Mrs Elinor Caplan (Oriole): I have a petition signed by over 200 constituents of mine who are tenants of Cliffwood Manor at 4000 Don Mills Road in North York. That's in the riding of Oriole. They say:

"We, the undersigned, tenants of the above building, respectfully petition Your Honour to suspend temporarily the enforcement of the Housing ministry's policy with regard to geared-to-income rent increases from 25% to 30% over a five-year period.

"We, the seniors on old-age security and other tenants on geared-to-income rent request Your Honour to review the impact this policy will have on those tenants least able to afford the rent increase.

"We would greatly appreciate being consulted before Your Honour proceeds further with the implementation of this policy."

I affix my signature to this petition and think that their request to be consulted and for consultation to discuss the impact of the policy is a very reasonable request.

FIREARMS SAFETY

Mr Robert W. Runciman (Leeds-Grenville): I have a petition from the Leeds anglers and hunters to Ontario Premier Bob Rae and Solicitor General David Christopherson and the Legislative Assembly:

"Whereas we want you to know that we are strenuously objecting to your decision on the firearms acquisition certificate course and examination; and

"Whereas you should have followed the OFAH advice and grandfathered those of us who have already taken safety courses and/or hunted for years—we are not unsafe and we are not criminals; and

"Whereas we should not have to take the time or pay the cost of another course or examination and we should not have to learn about classes of firearms that we have no desire to own;

"We, the undersigned, petition Premier Bob Rae, Solicitor General David Christopherson and the Legislative Assembly as follows:

"Change your plans, grandfather responsible firearms owners and hunters and only require future first-time gun purchasers to take the new federal firearms safety course or examination."

I'm affixing my signature in support.

TOBACCO PACKAGING

Mr Larry O'Connor (Durham-York): I've got a petition to the Legislative Assembly of Ontario in support of plain packaging of tobacco products:

"Whereas more than 13,000 Ontarians die each year from tobacco use; and

"Whereas Bill 119, Ontario's tobacco strategy legislation, is currently being considered by the Legislative Assembly of Ontario; and

"Whereas Bill 119 contains the provision that the government of Ontario reserves the right to regulate the labelling, colouring, lettering, script, size of writing or markings and other decorative elements of cigarette packaging; and

"Whereas independent studies have proven that tobacco packaging is a contributing factor leading to the use of tobacco products by young people; and

"Whereas the government of Ontario has expressed its desire to work multilaterally with the federal government and the other provinces, rather than act on its own, to implement plain packaging of tobacco products; and

"Whereas the existing free flow of goods across interprovincial boundaries makes a national packaging strategy the most efficient method of protecting the Canadian public;

"Therefore we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for the plain packaging of tobacco products at a national level."

I'll sign my name in support of this.

HOTEL DIEU HOSPITAL

Mr James J. Bradley (St Catharines): I have a

petition from a number of people in St Catharines and Thorold concerned about the possible consequences of a consultant's report on Hotel Dieu Hospital. It reads as follows:

"We, the undersigned, refuse to accept the closing of the Hotel Dieu Hospital emergency department and the reduction of available hospital beds. We strongly urge the hospital boards and the Niagara District Health Council to crush the consultant's report. The Hotel Dieu Hospital board has already taken this position. Implementation of the report would have disastrous consequence for the people of our community. We are committed to keeping two emergency departments in St Catharines and beds open."

I support this petition and will affix my signature to it.
1530

JUSTICE SYSTEM

Mr Chris Hodgson (Victoria-Haliburton): "To the Parliament of Ontario:

"Whereas we, the citizens of Ontario, agree that clear dealings between the present justice system and the public establish a positive relationship for all concerned;

"Whereas one building block for such a relationship is a fair and accurate way of dealing with habitual child sex-offenders;

"We, the undersigned, petition the Parliament of Ontario as follows:

"We believe that one way of dealing with convicted habitual child sex-offenders upon release that his/her photo and address be made available to the public for a minimum of seven years in whatever area of the province he/she takes residence."

TOBACCO PACKAGING

Mr Ron Hansen (Lincoln): I have a petition to the Legislative Assembly of Ontario in support of plain packaging of tobacco products. To shorten it down, the member for Durham-York read most of it, but I'll go down to the bottom:

"Therefore we, the undersigned, hereby petition the Legislative Assembly as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

These are from St Catharines, Niagara Falls, Fonthill and the Niagara Peninsula. There are 11 names here. I would appreciate if I could get from the Clerk the last petition that Mr Bradley read out so that I am able to respond to some of the signatures that are on his petition.

Mr John C. Cleary (Cornwall): I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas more than 13,000 Canadians die each year from tobacco use; and

"Whereas Bill 119, Ontario's tobacco strategy legislation, is currently being considered by the Legislative Assembly of Ontario; and

"Whereas Bill 119 contains the provision that the government of Ontario reserves the right to regulate the labelling, colouring, lettering, script, size of writing or

markings, and other decorative elements of the cigarette packaging; and

"Whereas independent studies have proven that tobacco packaging is a contributing factor leading to the use of tobacco products by young people; and

"Whereas the government of Ontario has expressed its desire to work multilaterally with the federal government and other provinces, rather than act on its own, to implement plain packaging of tobacco products; and

"Whereas the existing free flow of goods across the interprovincial boundaries makes a national plain-packaging strategy the most efficient method of protecting the Canadian public;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario,

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for packaging of tobacco products at the national level."

That's signed by over 50 of my constituents. I've also signed the petition.

JUNIOR KINDERGARTEN

Mr Ted Arnott (Wellington): This petition is signed by hundreds of my constituents and it's opposed to the mandatory nature of junior kindergarten. As you know, our Common Sense Revolution also makes that recommendation, that junior kindergarten should not be a mandatory program. It reads as follows:

"Petition to the Legislative Assembly of Ontario:

"Whereas the previous provincial Liberal government of David Peterson announced its intention in its budget of 1989 of requiring all school boards to provide junior kindergarten; and

"Whereas the provincial NDP government is continuing the Liberal policy of requiring school boards in Ontario to phase in junior kindergarten; and

"Whereas the government is downloading expensive programs like junior kindergarten on to local boards, while not providing boards with the required funding to undertake these programs; and

"Whereas the Wellington County Board of Education estimates that the operating cost of junior kindergarten will be at least \$4.5 million per year; and

"Whereas mandatory junior kindergarten programs will force boards to cut other important programs or raise taxes; and

"Whereas taxes in Ontario are already far too high;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that the government of Ontario cancel its policy of forcing junior kindergarten on to local school boards."

I've affixed my signature to this petition.

SEXUAL ORIENTATION

Mrs Elizabeth Witmer (Waterloo North): I have here a petition from Herbert Enns:

"We, the undersigned members, in adherence of the W-K United Mennonite Church in Waterloo, Ontario,

affirm that our country is founded upon principles that acknowledge the supremacy of God, the dignity of each person, the importance of the family and the value of community. We strongly disagree with the government's proposed legislation to include same-sex relationships as having the same rights, privileges and benefits of the God-ordained male-female family unit."

That has been signed by many people in the city of Waterloo and throughout the community.

MOTORCYCLE AND SNOWMOBILE INSURANCE

Mr Allan K. McLean (Simcoe East): I have a petition here. It says:

"Whereas we, the undersigned, are of the opinion that private insurance companies are exploiting Ontario motorcyclists and snowmobile operators by charging excessive rates for coverage or by outright refusing to provide coverage;

"Whereas we, the undersigned, understand that those insurance companies that do specialize in motorcycle insurance will only insure riders with four or more years of riding experience and are outright refusing to insure riders who drive certain models of 'supersport bikes'; and

"Whereas we, the undersigned, believe this situation will cost hundreds of jobs at dealerships and in the motorcycle industry and is contrary to the rights of motorcyclists and snowmobile operators;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario should study the feasibility of launching public motorcycle and snowmobile insurance."

That's signed by 15 people from Orillia, Beaverton, Keswick and Lindsay. I have affixed my name to it.

INTRODUCTION OF BILLS

HIGHWAY TRAFFIC AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT LE CODE DE LA ROUTE

On motion by Mr Hansen, the following bill was given first reading:

Bill 179, An Act to amend the Highway Traffic Act /
Projet de loi 179, Loi modifiant le Code de la route.

The Deputy Speaker (Mr Gilles E. Morin): Mr Hansen, do you have any brief remarks?

Mr Ron Hansen (Lincoln): Yes, I have a couple of brief remarks. This Act to amend the Highway Traffic Act is crucial to the long-term viability of Ontario's trucking industry and to the lifespan of our highways. It would create shared responsibilities between shippers and motor carriers—namely, truckers—for compliance with Ontario's laws governing allowable truck axle weights.

Right now, some drivers are being told by shippers to simply take a load or leave it for someone else to haul. This is because shippers do not have to comply with current legislation respecting allowable truck axle weights but truckers do. That's not fair to the trucking industry and it's not fair to Ontarians who have to pay big tax dollars to maintain our efficient and expensive highway system.

The NDP government has studied this issue for five years and it is now about time we did something about it.

A government industry weight review committee comprised of shippers, carriers, owner-operators and government was established to resolve this long-standing issue and its key recommendation was to have this legislation brought forward as soon as possible. That's what I've done here in my private member's bill, which is officially titled the Highway Traffic Amendment Act, 1994.

Truck axle weight laws may not seem to be of great significance to some, but the wear and tear on our highway system can be impacted to a great degree by the level of compliance with these laws. I think both shippers and truckers should share responsibility for complying with axle weight laws. It's good for all of us.

The Deputy Speaker: I just want to let the member know that when I ask for brief remarks, I mean it in the real sense of the word—brief.

MUNICIPALITY OF METROPOLITAN TORONTO
AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT LA LOI

SUR LA MUNICIPALITÉ

DE LA COMMUNAUTÉ URBAINE DE TORONTO

On motion by Mr Marchese, the following bill was given first reading:

Bill 180, An Act to amend the Municipality of Metropolitan Toronto Act / Projet de loi 180, Loi modifiant la Loi sur la municipalité de la communauté urbaine de Toronto.

The Deputy Speaker (Mr Gilles E. Morin): Do you have any brief remarks?

Mr Rosario Marchese (Fort York): Yes, Mr Speaker, they're brief. The bill provides for a maximum fine of \$10,000 for those persons convicted of operating a business without a licence contrary to a bylaw of the metropolitan council or the metropolitan licensing commission.

The council may refuse to issue, suspend, revoke or impose conditions on a licence where there are reasonable grounds for believing that the applicant or licensee will not carry on their business in accordance with the law. A condition of a licence may be that the hours of operation of the business be restricted. The refusal to issue the suspension or the revocation of a licence of the imposition of conditions on a licence may be appealed to the Divisional Court.

PLANNING AND MUNICIPAL STATUTE LAW
AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT DES LOIS
EN CE QUI CONCERNE L'AMÉNAGEMENT
DU TERRITOIRE ET LES MUNICIPALITÉS

Deferred vote on the motion for second reading of Bill 163, An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes relating to planning and municipal matters / Projet de loi 163, Loi révisant la Loi sur la planification et l'aménagement du territoire de l'Ontario, la Loi sur les conflits d'intérêts municipaux, et modifiant la Loi sur l'aménagement du territoire et la Loi sur les municipalités et modifiant d'autres lois touchant des questions relatives à l'aménagement et aux municipalités.

The Deputy Speaker (Mr Gilles E. Morin): There is an understanding that there will be a deferred vote. This will be a five-minute bell. Call in the members.

The division bells rang from 1541 to 1546.

The Deputy Speaker: Mr Philip has moved second reading of Bill 163, An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes related to planning and municipal matters. All those in favour of the motion will please rise one at a time.

Ayes

Abel, Akande, Bisson, Buchanan, Carter, Charlton, Christopherson, Churley, Cooke, Cooper, Coppen, Dadamo, Duignan, Farnan, Ferguson, Fletcher, Frankford, Gigantes, Grier, Haeck, Hampton, Hansen, Haslam, Hayes, Hope, Huget, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Lankin, MacKinnon, Malkowski, Mammoliti, Marchese, Martel, Martin, Mathysen, Mills, Morrow, O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rizzo, Silipo, Sutherland, Swarbrick, Ward, Wark-Martyn, Wessinger, White, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wiseman, Wood, Ziembra.

The Deputy Speaker: All those opposed to the motion will rise one at a time.

Nays

Arnott, Beer, Bradley, Caplan, Carr, Chiarelli, Cleary, Conway, Cousens, Crozier, Curling, Eddy, Elston, Eves, Grandmaître, Harnick, Harris, Hodgson, Jackson, Johnson (Don Mills), Jordan, Kwinter, Mahoney, Marland, McGuinty, McLean, Micalash, Offer, O'Neill (Ottawa-Rideau), Poirier, Poole, Ramsay, Runciman, Sola, Tilson, Turnbull, Villeneuve, Wilson (Simcoe West), Witmer.

The Deputy Speaker: The ayes are 60; the nays are 39. I declare the motion carried.

Shall the bill be ordered for third reading? To which committee shall it be sent?

Hon Brian A. Charlton (Government House Leader): To the justice committee.

The Deputy Speaker: To the justice committee? Agreed.

Interjections.

The Deputy Speaker: Order. I will give a chance to leave the House for those members who wish to do so.

ORDERS OF THE DAY

House in committee of the whole.

TOBACCO CONTROL ACT, 1993

LOI DE 1993 SUR LA RÉGLEMENTATION
DE L'USAGE DU TABAC

Consideration of Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to Regulate its Sale and Use by Others / Projet de loi 119, Loi visant à empêcher la fourniture de tabac aux jeunes et à en réglementer la vente et l'usage par les autres.

The Chair (Mr Gilles E. Morin): Parliamentary assistant, you had a request?

Mr Larry O'Connor (Durham-York): I'd request that we allow staff on to the floor and to move down to the front row.

The Chair: I believe the member for Leeds-Grenville had the floor when we last debated.

Mr Robert W. Runciman (Leeds-Grenville): We want to make sure that we're procedurally correct, that the table has all the amendments I've put forward in respect of Bill 119, that they're all in order, and that they have sufficient copies as well.

When the debate adjourned some time ago—in fact, I forget how long ago—the government and its friends in the lobbying industry had tried to indicate that Mr Jordan, the member for Lanark-Renfrew, and myself have been the sole causes of delay, and in effect suggested, implied, in the advertising in my daily newspaper and in Mike Harris's daily newspaper that we were perhaps going to be responsible for the deaths of thousands of young people in the province of Ontario, a very irresponsible attempt to intimidate members of the Ontario Legislature and one that certainly Mr Jordan, Mr Harris and myself very much resent.

In any event, we'll move on from that. We want to talk again about Bill 119 and specifically the concerns that Mr Jordan and I have about this government's rush to endorse and implement and effect generic or plain cigarette packaging.

Mr Jordan and I, since this matter was discussed in the Legislature, travelled to Ottawa and appeared before the federal health committee dealing with the issue of generic packaging, and again conveyed the concerns of our constituents in terms of the significant job losses that would occur in both Mr Jordan's riding and my riding from firms involved in the packaging industry, and also, in respect of my riding, a firm involved in the production of specialty inks, Kromacorp Inc.

There are other firms in various other parts of Ontario that would also be impacted negatively: a reduction, a loss of well over 1,000 good jobs in Ontario. These are well-paid jobs, jobs with significant benefits attached to them, and all of these industries are making very significant contributions to the communities in which they're located, and to the surrounding areas, and the economies of those communities and areas as well.

The implications, from an economic perspective, are there for everyone to see if indeed they want to take the time to look at them. Up to this point in time we've been met with nothing but reluctance from provincial officials in respect to their preparedness to eliminate this one section of the legislation, which these amendments are trying to achieve: Simply pull out the generic packaging elements of Bill 119 and we can get on with speedy passage of the bill.

To suggest, as some people have, both within government circles and outside of government circles, that those of us who are concerned about the economic implications of Bill 119 don't care about the health of Ontarians is, at the very least, misleading. I could use stronger language, but I won't. I don't want to see this debate degenerate.

In any event, I want to have some responses from the

parliamentary assistant in respect to what's happened at the federal level. As I'm sure he is aware, there's indication now—I'm not sure if it's been confirmed. There was going to be a committee report tabled this week. All of the press indications were that the committee, contrary to the original suggestions, was not going to come out with a strong endorsement of the federal government moving into plain packaging legislation, that it was going to urge caution and that any final decision be delayed until the results of, I think, at least two tests, two studies that are currently under way, one being conducted by I believe the University of Toronto, and I'm not sure what other organization or body is conducting the other one.

I think those studies are expected to be available by the end of this calendar year. They would—the hope is in any event—deliver a message with respect to what impact plain packaging would have on the consumption habits of the smoking public.

I'll sit down at this juncture and simply ask the parliamentary assistant's staff what the response of the Ministry of Health in Ontario is based on. What we know at this point are the recommendations flowing from the federal committee in effect saying: "Let's not move on this. Let's not be precipitous in terms of coming forward with a plain packaging recommendation. We know there's a very strong economic downside, and on the other side of the ledger the health benefits are very much in question. Let's find out if indeed there are health benefits that can be unquestioned before we undertake this kind of an initiative."

I'll turn over the floor.

1600

Mr O'Connor: One thing we certainly heard as we went through the committee hearing process on Bill 119 was, over and over again, people coming before us and suggesting that the Ontario government should be moving forward with plain packaging. I've tagged quite a few of these that have come forward. There's one here from the Ottawa-Carleton Heartbeat committee; one from the medical officer of health of the services department of the Niagara regional government; the Heart and Stroke Foundation; Lambton health unit—the list just goes on and on.

One thing that's important is that as we went through this process, right from the very beginning when we put our discussion paper in January 1993, we went out to the public and we included other areas for discussion, and in those other areas of discussion included the move forward in the area of plain packaging.

As we went through the committee hearing process, which was a very open process—we heard from over 200 representations—we ended up in clause-by-clause. One of my colleagues, the member for Carleton, moved that section 5 of the bill be pulled out and strengthened, and to strengthen it on the plain packaging element. We had a very good discussion in the committee hearings.

The question that the member for Leeds-Grenville is asking here is, do we think that the federal government is still looking at moving forward in this area? I've got a clipping here, and Diane Marleau, the federal Minister of

Health, says, "Plain Butts Wrapped to Go," and it's from a report in the *Toronto Sun* saying, "'The Liberal government will recommend that the government go ahead with plain packaging of cigarettes to deter smoking,' the *Sun* has learned."

It's obvious that the committee in Ottawa has made a commitment to move forward, and this government and all the committee members who sat on the committee hearings had that same sense of strong commitment, that we wanted to offer as much support as we can. Though the member from the third party came to the committee and wanted us to move on it tomorrow, there was a commitment made by the government that we would work with the federal government on this. Just days before the member for Leeds-Grenville made his presentation to the federal health committee, I myself made a presentation to the federal health committee and had staff join me. We made a presentation to this committee with information about plain packaging.

I appreciate his concerns and I have heard the concerns about the job loss, and I don't think anyone in this Legislature is saying that if we don't move forward with this bill tomorrow, young people are going to die. No, it's an addiction that over a period of time kills 13,000 Ontarians every year, yes, 13,000. If we were to break it down riding by riding, that means 100 deaths in my riding attributed to early death because of tobacco.

The point here is that we have to move forward. There could be some job loss here. We know for sure there are 100 deaths attributed to it in my riding, and over my very first term in office that's going to add up to about 500 people, and God knows how many more as time goes on, the longer I sit as a member. I want to see that change. I want to see that trend change so that as we move forward, those deaths are going down.

The whole focus of trying to keep young people from becoming addicted is the intent of the plain packaging, and that's what's been presented to the federal government over and over again, and we actually support the federal government in this.

I'll leave it at that and I'll probably hear some more discussion about that, but I just want to point out that the federal government, according to the clips I've seen here from June 2, just this month, just a couple of weeks ago, is committed to going forward with plain packaging.

Mr Runciman: I'm going to try and get some clarification on that during this afternoon. It's my understanding that is not the case, but we'll certainly make a quick call, if necessary, to determine what in fact is the case in respect of the federal committee report.

It was my understanding it was going to be generally supportive of the concept of generic packaging, that at least a majority of the government members of the committee would support that, but that there was going to be a reservation, if you will, incorporated into the report that would indicate that, prior to the government introducing legislation, it would wait for the results of the, I think, two studies that are now under way to determine whether or not generic packaging has any impact on the numbers of people who are tempted into smoking.

Of course, when the parliamentary assistant makes his comments, there's always the assumption built into his comments that indeed it is going to be effective in reducing the number of smokers in Canada. That's an assumption that I'm not prepared to accept because there's no concrete evidence to support it at this point.

I have said from the outset that I'm not necessarily opposed to the concept of plain packaging if it can be shown that it is going to have a dramatic effect on the numbers of people who are attracted to smoking; I personally suspect it will not. Most people I talk to, ordinary citizens, when you ask them, "What do you think of the idea of plain packaging and its impact on consumers of those products?" simply do not accept that it's going to have any meaningful impact. I think that's a change for the people who have been fighting smoking in this country.

I'm a non-smoker and have been for many years, and I've undertaken numbers of initiatives, certainly in my role as a municipal councillor, to try and dissuade people, discourage people, from smoking and from taking up the habit. I'm not here as a defender of anyone who smokes or anyone who promotes the habit. I think it is indeed an unfortunate habit and it has very significant health risks attached to it, but the question we're talking about in respect of this debate is whether generic packaging will discourage people from purchasing cigarettes.

That's the big question, though the primary concern for Mr Jordan, the member for Lanark-Renfrew, and myself is, we know indeed that there is going to be significant job loss if indeed the government proceeds along the current course in moving to plain packaging because of the packaging producers in our riding and the special inks that are used in the production of the current packaging for cigarette products in this country.

The parliamentary assistant mentioned another thing which is misleading, at best, as well, and that's to do with this process. He makes reference to over 200 witnesses when Bill 119 was before the standing committee of the Ontario Legislature. What I've tried to emphasize during the course of this, in trying to be fair in terms of how we approach our concerns in this legislation, is that he didn't go on to spell out that the component that most concerns us about this legislation, the detailed amendment that was brought in during clause-by-clause in respect to plain packaging by the member for Carleton, had no public hearing process attached to that. That was done during the clause-by-clause process, Mr Chair, which you know is at the end of the committee hearing process.

The witnesses who appeared before the committee, and there may well have been 200—I don't know the number—were not aware of this significant amendment, which is a very detailed amendment in terms of how the Ontario government can proceed in respect to plain packaging. There was a modest reference to plain packaging in the original bill and that did not cause this member or the member for Lanark-Renfrew or the producers of packaging in our ridings any great concern. We're prepared to live with that and we're prepared to see the original legislation proceed.

Our concern has to do with that detailed amendment and the fact that these people had no opportunity whatsoever—and I don't have to be concerned about being challenged in respect to what I'm saying here. Those people were not aware of that amendment, and they had no opportunity to have input in respect to its implications on them and on their communities and on the Ontario and Canadian economies.

That's all we're asking for in respect to this amendment. We've said: "Pull that one particular element out. Send it back for public hearings." At least do the same thing that the federal government has been prepared to do and listen to people who have very legitimate concerns about the economic implications of plain packaging, and questions as well being raised about how effective plain packaging will be or can be in respect to deterring especially young people from taking up the smoking habit.

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Again, I hope my colleague has been out trying to secure additional information in respect to the federal committee report, because I'd like to raise that before we complete our deliberations today.

I want to raise one other issue and question the parliamentary assistant on this element. I received a copy of a report, a study conducted by—

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Chair: I believe there are about nine members in this House right now. I think that if this is important business, as I believe it is, a quorum should be present.

The Chair: Would you please verify if we have a quorum.

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Chair.

The Chair ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present, Chair.

Mr Runciman: I had referred some questions to the parliamentary assistant. I was looking for a response and I believe he has some additional information.

Mr O'Connor: First of all, to try to clarify, the discussion paper that went out in January 1993 clearly said right in it, on page 9:

"Areas for Further Discussion

"Plain packaging may make cigarettes less attractive to children and adolescents. It would also make health warnings more visible. Plain packaging needs to be addressed at the national level. We have therefore written to the Minister of Health and Welfare Canada asking him to take leadership on this issue"—"him" at the time.

From that we went through a consultation process in the spring of 1993 and then from that we found ourselves with Bill 119. We started the committee hearing process. Before we even got to Bill 119, we had already heard 34 oral presentations, 200 written presentations to people within the ministry, and then went out to the public with Bill 119. When we did that there were a lot of things. I'll give you an example of one that somebody had presented

to us in Sudbury, I believe it was.

They pointed to the plain packaging, and it would negate what's used as sponsorship ads. The colour in this ad here is the colour of the cigarette package for du Maurier. This is not in contravention of the federal law today, because it allows for sponsorship, but it's a form of advertising, and that's what people pointed out to us.

I could go through all the people who made presentations to us through our standing committee hearing process who said that they wanted plain packaging to be addressed. But one of the difficulties that the member must take a look at is that in the process of plain packaging what we don't see is, will that process be white or a buff package with one colour of print? Or could it be a couple of colours of print? Could it be a series of evolving messages that would change as we move forward: the message that smoking is addictive, smoking will kill you, increased smoking will increase those chances—whatever message needs to be put on that package?

There could be a series of these, so in fact when the member argues about the jobs, that's rather a moot argument, because he doesn't know exactly what we're talking about when we're talking about the jobs. We're not talking about the plain package that could be just black and white. We're not talking about the colourful packages there today; when we're talking plain packaging, yes, that's what we're trying to see.

Let me use an example here from the Council for a Tobacco-Free York Region. "Young people are especially aware of inconsistencies in messages that tell them not to smoke. Smoking is still allowed in most public spaces and workplaces in York region. Cigarettes, prominently displayed through exciting sponsorships and attractive packaging...." That's the message. That's what we're trying to address here.

The member uses the argument of jobs. I think it's a false argument, because we don't know exactly what will be the process, and there could be many stages added to the process that's used currently today, so the marketing element might be a little bit different.

I'd like to table this information so that we can circulate it among my opposition members who are concerned about this issue today. It's a news release that has actually been sent out, dated today, from the House of Commons standing committee on health. It has tabled its report towards zero consumption of generic packaging of tobacco products. "This report is based on the oral testimony of more than 40 health and tobacco industry groups as well as 150 submissions received during April and May." Of course my colleague has said that he was one of those presentations. I myself was one of them.

"According to the committee Chair, the Honourable Roger Simmons, the recommendation to include plain packaging in a comprehensive strategy reflects the committee's primary concern for the health of Canadians. 'Smoking is the leading preventable cause of death and disability in Canada and any step, however small, that will prevent or reduce further harm to Canadians must be taken.'"

I'd ask a page to take this down to the table and have

some copies made and circulate it among my critics.

The announcement was made. It's official. Here's a copy of a press release sent out from Ottawa from that committee, and I read the pertinent portion to you and allowed my friends across the floor a chance to read that.

Mr Dalton McGuinty (Ottawa South): I appreciate the opportunity to speak to this issue. At the outset I want to express my disappointment and frustration that the process here has effectively prevented this bill from passing and becoming law in this province. I have some problems with the bill but, by and large, I think it's good public policy.

I appreciate that the Conservative members should be given the opportunity to raise their concerns on behalf of their constituents, and I think they have done so very effectively, and I for one would like to move on with this bill.

I want to speak to some of the issues raised by my Conservative colleagues. With respect to the process, it is quite true that the bill, prior to being amended, did not contain a provision dealing with generic packaging. The question I would ask, is it not the function of the committee to hear the recommendations from the various presenters during the course of the committee hearings, to then give some thought to those recommendations and then amend the legislation accordingly, based on the public input we receive?

I counted in our summary recommendations that over 45 individual presenters recommended some form of plain packaging. Truthfully, we did not hear from many scientists, people who are experts in determining precisely what the impact of generic packaging would be, but I heard from a lot of people in whom I would store a great deal of faith.

I heard from parents, I heard from teachers, I heard from people who have expertise, I would say, in the area of young people. What they told us was that the cigarette package is, in essence, an accessory for young people. I'm talking about people who have not yet begun to smoke, and that of course is what we're targeting here in Bill 119. Once you're hooked, then that's a whole different kettle of fish and we've got an entirely different problem on our hands, but the focus here is to ensure that kids don't get hooked in the first place.

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What these parents—and I guess we heard from a public health nurse and some teachers—were telling us is that for a young person a cigarette package is an accessory in much the same way as a pair of earrings or a belt or the latest jeans or running shoes, sneakers, those kinds of things. A cigarette package is something, at least at the outset, that you want to be seen with. It's something that will somehow enhance your image. That's why, to my way of thinking, I think generic packaging will have a significant impact in reducing smoking among young people who are thinking of starting, because a great deal of the appeal or the lure will be lost if you are dealing with a plain package rather than an attractively designed package.

It is my understanding that the federal government has

conducted some hearings into this matter and that the federal Minister of Health, Diane Marleau, is now awaiting the outcome of a study. I gather that study will be completed by the end of the year. I think that is responsible.

I think this raises another good point. The provision that's contained within the bill does not mandate, require or compel the government to go ahead and enact or pass some regulation requiring generic packaging beyond cigarettes sold in this province. It does not do that. It is merely permissive. It says that the government may do so.

I personally have no problems with that provision. I expect that the government would act responsibly, that it would await the results of the federal study and that if at the end of the day when all the evidence was in it confirmed my own suspicion that generic packaging is an important component in a young person's decision whether or not to start smoking, if the government concluded that it's important to enact generic packaging, it would do so. I would much prefer to see that done at the federal level, frankly, because I think there are going to be some very practical problems associated with regulating cigarette packaging within a single province, a federation, but if that's the case, then that's the case.

But even in that event, I think it would be incumbent on the government of the day to ensure that we can somehow marry the need or the requirement for generic packaging with the jobs concern raised by my colleagues. That can be done by mandating a variety of options with respect to generic packaging. It can involve redesigning packages or warnings from time to time. I just fail to see why, when we haven't even got down to what we're talking about specifically, my Conservative colleagues make the assumption that generic packaging would automatically mean a loss of jobs. I just don't see that. Those are the comments I have for now.

Mr O'Connor: I appreciate the comments from my colleague across the floor. As we wrapped up our committee hearings, a commitment that I had made in the committee hearings process—and I appreciate that not all members can attend every committee hearing in the place, because quite often we have many committee hearings taking place at the very same time—on behalf of the Minister of Health of the province of Ontario was that we weren't about to move forward with this portion of the legislation, that we wanted to work with the federal government.

In fact, the day after we finished the committee hearings I remember the front page of the *Toronto Sun*, because I talked to one of the reporters there and I explained the process, what we'd gone through, and I explained that we weren't about to move this unilaterally, that we wanted to work with the federal government. I think that's the concern my colleague has, that we're going to move forward ourselves without the concerns that he has.

The front page said that the province had moved forward on plain packaging, but then the content of the article itself explained quite clearly that the Ontario government wasn't about to move unilaterally. We want

to work with all the other provincial ministers of health, with the federal Minister of Health.

My colleague across the floor raised a good issue, and I hope he received a copy of the press release. It says right there, at the bottom of the press release:

"Other considerations relevant to plain packaging were also assessed during the inquiry. The committee therefore cautions the federal government to exercise care in designing generic or plain packaging. In particular, the design chosen must be mindful of the need to minimize contraband, job losses in the tobacco industry and legal problems at the national and international levels."

The key here is that they recognize that it should be done at a national level, but by and far if the people who had the opportunity to come to our committee had a choice of something that they would like to see in place—I could go through them all, and I've got quite a few red tags here from the 45 that were mentioned—they put quite eloquently the case why they felt that generic packaging was important to reducing the consumption by young people.

I don't think we've ever had a quarrel in the Legislature about that genuine concern that all members of the Legislature have. So I just want to reassure my colleague across the floor that we're not about to move unilaterally on that. That's not our intention. You could see, even in the press release that you have a copy of now, that there is some caution, that the federal government is taking a look at this, taking to mind the genuine concerns that my colleague across the floor has raised.

Mr Leo Jordan (Lanark-Renfrew): I just would like to point out to the committee and to the government that really we're not in any way against Bill 119 as it's drawn up, with the exception of this one amendment, the generic packaging. Even with your recent press release—sorry?

Mr O'Connor: The press release is from Ottawa.

Mr Jordan: Yes, from the federal government. It states that no action will be taken until later this year. They are not confident that they have statistics to back up the moves that they've been contemplating.

Even after the study they've done and the work that has been put into it and the many people they have heard from, they are saying, "We're going to be cautious here because we really don't have any statistics yet that would prove that generic packaging is going to be as successful as we had earlier believed relative to the health of especially the youth and the young people starting to smoke."

My question to the parliamentary assistant would be: Would the government consider proceeding with Bill 119 without this amendment and/or putting everything on hold until we hear the results of this study, because the committee is very much dependent on it and very much dependent, regardless of which way the study goes, on how they might be designing the packages in the future?

Mr O'Connor: There are a couple of points that have been raised. First of all, would we consider standing this down? No, I don't think that's the intention. For all the members who went through the committee hearings process, I don't think anyone at any point in time had

suggested that we stand down the legislation and not move forward this very important piece of legislation.

But you did raise a very important point just the same. You asked about this portion of the legislation. I just want to again refer to the press release that the federal government has sent out today. "The committee takes the position that plain or generic packaging could be a reasonable step in Canada's overall strategy to reduce tobacco consumption." I think this bill is an important step in doing that as well. The next sentence goes on, "It therefore calls on the federal government to establish the necessary legislative framework for generic packaging."

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To me, the important thing with our bill, with our legislation, Bill 119, is that we've included that legislative framework. When the federal government is asking for the legislative framework, we're going to Ottawa and we're saying: "Okay, we're part of that. We have our legislative framework in place." The other provinces will come on line and the federal government will enact it, and we want to be at the table. We want to make sure that when they ask for that legislative framework, we have it. We have it in place now, and we have it in place as a result of a very large consultation process.

During the social development hearings we heard from over 200 presentations. Before that, when the ministry did its hearings on the draft legislation, we heard from over 200 people in written presentations and another 34 oral. It certainly has been discussed in far more detail than actually what the federal government does, and that's because we went into other areas.

But one of the things I see mentioned in here is that legislative framework, and we want to make sure that's intact in there.

Mr Jordan: The point I was trying to make with the parliamentary assistant is that his framework, the provincial framework, coming ahead of the federal framework is not required at all.

Where's your framework going to be should the studies show that the statistics relative to generic packaging are not relative to the lifesaving causes they have put forward at the present time? The federal committee is very concerned that the information it has to date is not conclusive. They really want to hold back their framework of legislation until they do have something they can really be confident with and show that they are in fact moving towards the betterment of the general health of the people of Ontario. Mr Runciman and myself and many others have appeared before that health committee in Ottawa, and you could almost feel the people beginning to have a broader view and a different understanding that the spinoffs of this legislation are much more and much different than they had ever expected. This was something they hadn't taken into consideration.

This thing of saying, "Let's go ahead with it, because surely it'll have some effect," let's know how much effect and let's not be guessing, because we do know there's between 400 and 500 jobs right in our ridings and I understand up to 2,000 jobs—1,900 and some—when you take into account the other related industries relative

to the ink and so on that go into this manufacturing.

Again I'm asking the parliamentary assistant, why not proceed with Bill 119 without this amendment until such time as they hear from the federal government study that yes, there is solid information there to prove that we must have generic packaging?

Mr O'Connor: I appreciate the concerns that are raised. The key here is that we're trying to keep young people from taking up the smoking habit, addiction, one that isn't going to affect them now. That's the point the teachers made to us, and some of the young people who came before us. They were the ones who came to us and talked about the attractive packaging. As my colleague from across the floor mentions, it's like a fashion accessory. That was the way it was presented to us.

When we talk about the legislative framework, which Ottawa is talking about right now, yes, we're going to have in place that legislative framework. Yes, Ontario is going to have that legislative framework in place, so that when the studies are completed and the federal government is ready to move forward, we're there and ready to move forward with it.

Mrs Marland: On a point of order, Mr Speaker: I do not believe there is a quorum present.

Interjection.

Mrs Marland: If the member for Downsview has a problem with holding a quorum in this House, then I suggest you have a bigger problem than we—

The Chair: Would you please check for a quorum.

Acting Clerk Assistant (Mr Todd Decker): A quorum is not present, Chair.

The Chair ordered the bells rung.

Acting Clerk Assistant: A quorum is now present, Chair.

The Chair: Parliamentary assistant.

Mr O'Connor: To sum up this area of concern for now, back in February of this year there was a clear move by the federal government at the time. The Liberal government in Ottawa decided that we have to tackle smuggling. They decided the way to do that was to reduce taxes, but they couldn't just go out there and say, "We're going to reduce taxes," because they know the price of tobacco products is going to have an effect on consumption.

So they went out there with many other elements to it, and part of what they had included back on February 8 was a commitment to move forward and to investigate the effectiveness of the packaging and whether that had an impact on young people taking up that addictive habit, the one that kills 100 people in the riding of each and every member of the Legislature every year. That doesn't happen when they're a young person; it happens when they're an old person and have been addicted to tobacco products for a long time.

The federal government realized that there's probably a little bit of shame in reducing the taxes like that—to concede to the Liberals in Ottawa and across the border into Quebec—so they made a commitment. They started the committee hearings and from those committee

hearings—they're rather clear. The committee takes a position that plain or generic packaging could have reasonable steps in Canada's overall strategy at reducing tobacco consumption.

The government of Ontario is taking a large strategy. Part of a recent ad campaign put out by the Ministry of Health, by the government of Ontario, and one that I think every member of the Legislature should take a little bit of pride in, is that not always have parents had the material, the resources, to sit down and talk to their children when they first try that first cigarette to make them look cool. There are now resources out there and it's important that we go out there and we talk to people about this and we give parents the resources that are needed.

That's what the overall strategy is about. It isn't just the government coming in, "We've got Bill 119; it's going to solve the problems," and then all of a sudden those 13,000 Ontarians who are dying prematurely—they aren't going to happen again. There's an overall strategy.

The media have a role to play in it. The community has a role to play in it. When we went through the committee hearings and we heard, from the community, presentation after presentation after presentation calling for us to move forward and to support a move towards—plain packaging was one of them. The size of the tobacco product, the package: The kiddie packages referred to are something that was brought to the committee. There was a whole host of things brought to the committee. We had people from the community coming forward to the committee and saying, "Not only do you have to do that, but support us back in the community, in small-town Ontario, because when we go to our local council, we need to have a little bit of support."

In our legislation there is support for the community, for those small municipalities. It's not just a little piece of legislation that affects a little bit of this and a little bit of that. It's a large piece of legislation that's a part of our complete overall tobacco reduction strategy, and it's one that I think all members should take some pride in. It's one that I don't think runs contrary to what they're doing in Ottawa and we want to support them. We want to make sure that our legislative framework, the framework we've designed and put into place, which even members from the third party helped to design as we went through that clause-by-clause process, we keep intact so that as we're about to move forward, we can do so.

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Mr Runciman: There's a very clear and apparent contradiction with what the parliamentary assistant is saying in respect to his concerns about Bill 119 as a total package. He's expressing concerns about all of the positive elements of Bill 119, and for the most part our party and our caucus don't agree with that contention. He says, "We want to get this through quickly so we can start dealing with all of the problems," and he mentions things like 100 people dying in our ridings per year because of tobacco-related illnesses.

At the same time, he told me in this House, in a brief discussion about this element of the legislation, that this was not likely to come to fruition for at least five years.

Even if the federal government proceeded with legislation and we had to develop a national program, we'd have to get a federal-provincial conference together. We're looking at perhaps up to five years before this could become a reality.

We're saying that if indeed you have such legitimate concerns about all of the other elements of this legislation, which will have, in many instances, a very clear, profound impact on at least the availability of products, let's move ahead with them. But why do you have to be so rigid and inflexible in respect to this one amendment when it can't, in any event, come to fruition for at least five years? Why not at least give the people who are going to be impacted upon very clearly in a negative way an opportunity to be heard?

The Liberal member for Ottawa South is being critical of us in respect to holding up this legislation. We're quite prepared, as I said, to move ahead with the other elements of this legislation quickly. All we're saying is, give these people a fair hearing, an opportunity. They have not had that. I would ask the member for Ottawa South: How many packaging producers in this province appeared before the committee to testify about plain packaging? How many of them were even aware of the job loss implications to their industries?

I'll give you the answer to that: Absolutely none of them. They didn't know there was going to be this wide-ranging and comprehensive amendment brought in during the last days of the committee hearing process, during the closed element of the hearing process as well, the clause-by-clause consideration, so they simply did not have an opportunity. What we're talking about here is fairness.

We're concerned about the health aspects as well. We want to see this legislation proceed quickly. But pull out this other element, which can't have any beneficial impact, if indeed there is a beneficial impact, for a significant number of years. Why do you have to hang tough on this at this point in time? Obviously it's for political reasons. It's not for health care concerns, because this can't proceed that quickly in any event. Let's pull it out, take a look at it, give the Ontario people who are going to be impacted upon by this in a negative way an opportunity to sit down with the government and opposition members and officials within the bureaucracies and let their case be heard. Why is the parliamentary assistant not prepared to do that?

Mr O'Connor: I guess sometimes we can get tied up into, "We didn't have enough discussion," or, "We had too much discussion." I would like to place the case. From January 1993 everyone who was concerned about the health of Ontarians who was going to be affected by tobacco use made an effort to come forward. In the early part of 1993 we heard from over 200 people and 34 oral presentations. No, we didn't hear from the tobacco industry. It was clearly in there, it was mentioned, the plain packaging element. I read it out for the Legislature. I don't know why the industry didn't come forward. I don't know why the industry felt, "This isn't going to have an impact," or, "It is going to have an impact," and why it didn't come forward.

Then we went into committee hearings on Bill 119

and, again, we heard from everyone who had a concern about the health of Ontarians, but why didn't we hear from the manufacturers that had a concern maybe about some job loss? I would suggest that maybe the reason is because they didn't have any concrete information. The reason they didn't have concrete information was because through that process—and section 5 wasn't one of the ones that was amended through the committee hearing process—they couldn't pin down whether there would or wouldn't be job loss. If they'd wanted to make a presentation, they had ample opportunity.

Mr Runciman: You're not answering my question.

Mr O'Connor: The member opposite says I'm not answering his question. The point is that we've had a request. The federal government says they want to have the legislative framework included in there. We've got a package that includes that legislative framework and we want to keep that intact.

Mr Runciman: I'm going to make this as simple as possible. I asked the parliamentary assistant, I thought, a question that should be easy to respond to. He told me in this House that we're looking at five years at least before this could become reality. If that is indeed the case, and he's concerned about all of the other elements of Bill 119 which can have an impact immediately, why is he not prepared to remove that one particular element which cannot have an impact for at least five years, so we can provide these people an opportunity to be heard? That's what I'm asking him. I'm saying, why in the world can we not remove this one element which cannot have an immediate impact and let the others proceed, which can indeed have an immediate impact?

Mr O'Connor: I apologize for not addressing that in my last go-round. One thing we don't have control of in this Legislature is what happens in Ottawa. I agree that I spoke to the member opposite and said it could be a matter of time before it is addressed by Ottawa. Some of us made presentations to that committee in Ottawa. We have no idea how long that process is going to take place, but that doesn't mean we should throw that section out of the bill. We don't need to have that legislative framework in there and go through this time-consuming process. The process we're going through right now is very time-consuming. We're using up valuable time to discuss an important matter, I agree. At the same time, why should we throw that out? "Let's just throw that out the window because we don't need to deal with it now because Ottawa isn't about to move forward."

Mr Runciman: You don't mind throwing a thousand jobs out.

Mr O'Connor: The important thing here is that we can get tied into the rhetoric that this could cost thousands of jobs.

Mr Runciman: It's not rhetoric, it's fact.

Mr O'Connor: This could affect jobs. What we don't know is the process around what is generic packaging. It could be—

Mr Runciman: Could be, could be; we want facts.

Mr O'Connor: Generic packaging could very well be a process that includes a series of warnings and messages.

The important thing here is that we agreed we want to work with the federal government. We heard from people right across the province. I've seen petitions being presented all around the House saying, "Okay, Ontario government, work with the federal government on this area because we know it's important." We've seen from the federal government—you know the concern he raises, we see the federal government addressing it; in particular, the design chosen must be mindful of the need to minimize contraband, job losses in the tobacco industry and the legal problems, nationally and internationally.

They know there could potentially be some job losses so they're willing to work with the tobacco industry. We didn't hear the tobacco industry come forward and say, "We got some suggestions," because what suggestions would the tobacco industry in all reality bring to the social development committee hearings in saying that we want to reduce the consumption of tobacco products sold to young people?

Why would the tobacco industry come forward and tell us, "We want to reduce consumption to young people"? Why would they? Of course we didn't hear from the tobacco industry on this. I submit that the focus has always been young people and, yes, the hundred people who are dying in our ridings each year from tobacco-related illnesses aren't those young people. We didn't hear from the tobacco industry.

We have, though, a commitment to work with the federal government. We have a legislative framework that the federal government is asking us to keep intact, and I think that's important.

Mr McGuinty: Again, I want to emphasize something that I think is important. The authority that is given to the government of the day in Bill 119 relating to plain packaging is permissive in nature only. It doesn't mandate, require or compel the government to pass regulations regarding plain packaging. It simply says, and I'm just looking at section 18:

"The Lieutenant Governor in Council may make regulations,

"(c) respecting the packaging requirements," and so on, and then it goes on to subsection 2 and it says,

"A regulation made under clause 1(c) may,

"(a) impose different packaging requirements," and so on. So it's entirely permissive.

1650

I have no difficulty in giving that authority to the government of the day. I attached a number of conditions which I think I reasonably implied:

First of all, that the government will consult before it acts, and in particular it will determine the impact this will have on jobs.

Secondly, that it will not act unless and until it receives conclusive evidence that generic packaging will work. It is my own instinct and it is my own assessment, based on the hearings we went through, that generic packaging will work in deterring young kids from getting hooked on smoking in the first place.

Thirdly, the government would only act if there was no

reasonable prospect that the federal government wouldn't act. If the feds are going to act, then surely that is the appropriate jurisdiction to deal with this kind of an issue. However, if for some reason or other they refuse to act, then I think it's incumbent on this province to act if we have that conclusive evidence.

Fourthly, if the government of the day does act with respect to generic packaging, does mandate that a package has to be produced in a certain way, look a certain way, then it should do so, when it acts, in such a way as to minimize job losses, and that's something I referred to earlier and something the parliamentary assistant referred to. We shouldn't be making the assumption that generic packaging equals job losses. We don't know what we're talking about specifically when it comes to generic packaging, and I don't see why we couldn't be coming up with some kind of design or approach that is labour-intensive and that minimizes job losses.

I think the other element, just before I take my seat, Mr Chair, is that we shouldn't overlook the symbolic value of this province, after having conducted hearings specific to the problem of smoking and having debated this issue, sending a message to our federal government that we believe we ought to be able to resort to, plain packaging based on our hearings and our conclusions and our debates.

Mr Jordan: I think the point that we're attempting to make here is that we're rushing ahead with this legislation, especially the section regarding generic packaging, without due cause.

First of all, it's hardly a year ago that they shut down these industries to retool, to put on the package a good, strong message that now takes up about a third of the package. That hasn't even hit the market yet. The packages are available at the plant and they may be coming out—I see the minister over there seems to have one that has the new message on it. But the point is that there hasn't been any time for this new design to be measured as to its effect on the use of messages on the packaging or anything to do with packaging.

At a meeting we had that the chamber of commerce called in Smiths Falls on Saturday past, it was an all-round discussion of the people at the plant, the manufacturer itself, and the youth were saying to us, "How come you haven't asked us, does plain packaging or the packaging that we have now have much influence on our use of the product?" They were telling us on Saturday, the message that I was getting: "If I want cigarettes, I'm not usually introduced to them for the first time by going to the store to buy them; I'm usually introduced to smoking through a friend who already has them. So if I decide that it's something I want to do and it's pleasant for me to smoke, then really where I get the cigarettes would not be that important, or whether they were in a package or not."

If you look back a number of years ago, the cigarettes were bought in a package and then they were transferred to a cigarette case, and people had different forms of cigarette cases, and in that case there might be homemade cigarettes, there might be Player's cigarettes, there might be any of the different brands. But it was a plain gold- or

silver-coloured case. It had nothing to do with the package that was on the shelf.

The young people and the users were saying to us loud and clear that their desire to smoke and to purchase was not influenced by the package, by the colour of the package or anything else. The people who have the tobacco and the cigarettes on their shelves are naturally going to be able to decorate the shelves. Even if you have a plain package and you want to attract attention to the shelf, if you feel that has an influence on the marketing, that section of the shelf could very easily be coloured and decorated to whatever extent free marketing would wish to do it.

I really think we're grasping at straws here. The federal government moved quickly and now it's trying to back off and reassess its position. They're very clear in saying, "We're going to wait until we get the results of further statistics on the issue of generic packaging."

Again I would like to ask the parliamentary assistant if they can't seriously sit back and reconsider their position on Bill 119. I don't see that it's that important in that they're not going to implement it until after the federal government at any rate. Why not also be privileged to the extra information that the federal government is waiting on and all the other complications of the trademark and so on that could come forward? I would suggest that it would be smart governing to go ahead with the bill and leave that section removed.

Mr O'Connor: My colleague across the floor says to just pull it out and don't bother doing it right away. We didn't say, and we haven't said, and I've never heard anyone from the government say, that we're about to move on this tomorrow, that it's going to happen and that's the way it is.

What you have heard, and I'll repeat for you, is a commitment to work with the federal government. What the federal government is requesting is that we have that framework in place so that we can work with the federal government. When he requests that there be some studies into it, we've got a commitment from the government in Ottawa that there will be studies done on that. The commitment is there to work together with the federal government.

The commitment isn't there so that by passing this bill, we're going to move on plain packaging tomorrow, that the date the bill is proclaimed, this government is about to move forward on generic packaging, because you never heard it from this member, and as parliamentary assistant to the Minister of Health I don't recall ever hearing it from the Minister of Health, so we talk about making an issue of a non-issue.

This is an important part of the puzzle. When the federal government says it wants to build that legislative framework, we want to be there and to work with that federal government for that framework, and we want to keep that part there. We're not about to move forward and cause a lot of job loss, and the federal government recognizes there could be some job loss.

What we do know is the true impact it has on the health care system. We know that smoking costs this

province \$3 billion a year. We know that.

We heard in presentation after presentation that the key importance here is to try to keep young people from starting the habit, the addiction of smoking that leads them down the road to being one of the dying 100 people in your riding and my riding.

I think it's worthwhile to keep that intact and keep that in place so that we can move that forward when the time comes.

1700

Mr Runciman: The parliamentary assistant's been saying there's a theme throughout this, and his Liberal supporter from Ottawa South is suggesting the same thing, that we should, in effect, trust the government to do what's right, that we shouldn't be overly concerned in respect to this amendment because, "We are going to do what's right." I think the member for Ottawa South was saying, "Well, we assumed, or we inferred, that the government was going to consult before it acted."

I just want to draw an analogy here with respect to auto insurance, and this applies to both the Liberal and NDP governments. I remember David Peterson promising that he had the answer to auto insurance that was going to result in lower automobile insurance rates. Well, what it resulted in was chaos. Then we had Bob Rae saying that he had the answer through government-run auto insurance. What happened? We know that did not come to fruition.

We could go through all sorts of examples where governments have made solemn pledges and promises to the people of Ontario and then have failed to fulfil those promises. That's one of the reasons people are so down on politicians today. What the parliamentary assistant is saying, and his supporter from the Liberal Party, is: "Put all that aside. Let's trust the government to do the right thing."

Mr Jordan and I have a pretty big responsibility here in terms of we know for a fact that significant job losses are going to occur if they go ahead with plain packaging. The parliamentary assistant gets up and says, "We're going to do generic packaging that is going to incorporate all of these kinds of processes, and we can assure you," blah, blah, blah, "that no job losses are going to occur."

If the parliamentary assistant and the government are feeling so strongly in respect to this element of it, why don't they introduce an amendment to the legislation which is going to speak to that, which is going to say, "We will not move ahead unless these kinds of protections are built into the measure that ensure no job losses will occur in the province of Ontario?"

I had a letter from the Minister of Economic Development and Trade just this week—I don't know if I can find it immediately, and it's good to see the minister in the House—dated June 9, saying that we shouldn't be concerned about job losses in the packaging industry. Essentially, she's talking about the rotogravure process, that we can feel comfortable that this process is going to be part of any move to generic packaging.

I'm asking the parliamentary assistant to address that particular concern. Rather than going on these sort of

bland assurances that people don't have to be concerned, that "We're going to do what's right," why doesn't the government table an amendment during the committee of the whole process that will ensure that these kinds of concerns do not have to be there in respect to potential job losses, the impact on the communities, the erosion of tax bases, the impact on small businesses and suppliers etc, which we have and if necessary we'll go into detail a little later on? These are some very basic questions before we get into those kinds of details which perhaps the parliamentary assistant can address that will make it unnecessary to get into those kinds of details as the evening progresses.

Essentially the basic question I'm asking him right now is, why can you not, Mr Parliamentary Assistant, table an amendment that is going to recognize the concerns about the negative impact on the economy and job losses and ensure that the government will not proceed with any move, any initiative towards generic packaging that will result in job losses in Ontario?

Mr O'Connor: I appreciate the concerns that are raised, and I apologize to my colleague for not addressing one other element that he mentioned earlier about the kids: Why don't we ask the teenagers about smoking and the packaging?

There were studies done. There were studies done in Australia and New Zealand that did just that. The Canadian Cancer Society did a study as well. Here in Ontario we undertook some research to learn a little bit more about the packaging. Some of that we shared with Ottawa when we went to Ottawa. It talked about that tobacco package, the cigarette package worn as a badge. It gives them kind of an identity. The blue pack means you're cool or whatever.

There are also other studies under way. The Centre for Health Promotion at the University of Toronto has a study that's due in the winter of 1995, and the health protection branch of Health Canada has a report that's expected in about a year's time. So we'll see as we progress.

There's been a commitment made. We hear about the job loss and a request for a commitment from me as the parliamentary assistant to deal with the job losses. The key here is that, yes, we want there to be some job loss. We want to see tobacco consumption reduced. We want to see less tobacco products sold in the province of Ontario and in the country of Canada. We want to see less people dying from the effects of tobacco products. Talk about job loss. Yes, I've got no problem with some job loss being there.

Interjections.

Mr Runciman: Don't worry about job losses.

Mr O'Connor: It gets rather frustrating at times, because as we're having a very serious discussion about that 13,000 Ontarians who are dying prematurely every year from tobacco use, all of a sudden we get into a story about auto insurance, "Well, the NDP didn't keep its promise about auto insurance." This is not what this speech is all about. This is not what this debate is about. This debate is about real people dying of cancer and

other tobacco-related illnesses every year. It's about the 100 people who are going to die prematurely in your riding and my riding, that's what this is about.

Yes, there could be some job losses. I think it's well overstated by not only the industry and its spokespeople. I think we've had a good discussion on this.

With that, I move that the committee of the whole House not proceed any further with consideration of Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to Regulate its Sale and Use by Others and that the committee report back to the House at this time.

Mr Runciman: On a point of order, Mr Chair: I don't have the relevant section of the standing orders. I know that in effect standing order 47 relates to a closure motion, and in effect what is happening here is that the government is introducing closure through this motion and cutting off debate.

There are all sorts of elements of this debate that I wanted to put on the record and that my colleague the member for Lanark-Renfrew wanted to put on the record in respect to counterfeit packaging, in respect to smuggling, in respect to health impacts, which the government is apparently not prepared to deal with.

I'm simply asking you, Mr Chair, if indeed this motion is in order and what options are available to the opposition members in respect to getting the concerns of their constituents on the record.

The Second Deputy Chair (Mr Noble Villeneuve): We do have a precedent to a motion like this back in 1982. However, it is a debatable motion, I want all members to know, and we are prepared to further debate the parliamentary assistant's motion.

Mrs Marland: It's really ironic that since the end of routine proceedings this afternoon I had to call for a quorum twice in this place because twice the number of members in attendance was down to about nine, and what is really ironic is that when the strong arm of the government wants to come in and cut off debate, this is what happens. They don't have any trouble finding members when they want to close down the opposition. They want to shut down the opposition.

1710

Hon Frances Lankin (Minister of Economic Development and Trade): It's not a point of order.

Mrs Marland: Mr Chair, would you like to instruct the minister of industry, trade and development that I'm not speaking on a point of order, and also the Minister of Consumer and Commercial Relations.

Hon Ms Lankin: Economic Development and Trade.

Mrs Marland: I think by the time you've been here four years, you should know the orders of the House. If you were listening to the Chair, the Chair just said "further debate."

Mr Stephen Owens (Scarborough Centre): What's your excuse, Margaret? You've been here longer than anybody.

Mrs Marland: You make such a farce of this procedure. You make an absolute farce of this procedure.

You come into this House, you have no respect for this House, you have no respect for the Chair, you did not even listen to the Chair say "further debate." We are now into further debate on the motion by your parliamentary assistant. I am not rising on a point of order, and if you cannot follow the procedures simply because you're not interested enough—

Mr Len Wood (Cochrane North): You're supposed to address the Chair.

Mrs Marland: —and the only thing that you're interested in is shutting down the opposition's right to speak on behalf of their constituents, then you make an absolute farce of this whole process.

Hon Gilles Pouliot (Minister of Transportation and Minister Responsible for Francophone Affairs): Don't take it that way.

Mrs Marland: I think, personally, it's a disgusting disregard for what this place is about.

Hon Mr Pouliot: You know we don't mean it. Let's get to the vote.

Mrs Marland: Interjections are not even in order. We can hardly even hear because they come in, these ministers included, and it's rather interesting, because right now we have more ministers than we do backbenchers, which in itself is quite significant. In these last two weeks we certainly have had more ministers in this House for votes than we have had even for question period.

I think this motion that has just been placed, which shuts down this debate after less than one hour of discussion in committee of the whole, is absolutely disgusting. It's tremendously interesting, of course, that this kind of tactic is levelled on the opposition by this particular government. I've been here long enough that I remember what this particular New Democratic Party was like when it sat on this side of the House in opposition. Indeed, when it sat here, if we as government or the Liberals even as government had placed this kind of motion, there would have been an absolute uproar about the removal of the democratic right of opposition members to represent their constituencies.

I would suggest that the motion the parliamentary assistant has just moved is doing just that. It is removing the democratic right of the opposition to represent their constituents, but then of course we know that this socialist government of Bob Rae is not interested in either the democratic right of the people of this province or even listening to their concerns about any particular issue.

Mr Chair, I think the question of whether or not this motion is in order you have confirmed in terms of the current procedures of the House, the current rules of order for this House. What is really unfortunate is that this government chooses to use it. If we had had this debate going on for five or six hours even, I could understand it, but this current debate in committee of the whole House has gone on for less than one hour, and after less than one hour, the parliamentary assistant stands in his place and says: "That's it, folks. We don't want to hear any more. We don't want any more opinions on this bill. We do not want any more comment. We just don't want to hear any more. We want to proceed down this

road with our blinkers on. We don't need to listen to the opposition."

I'm simply saying, whether or not this government wants to listen now, it will certainly have to listen at the next election, and we know after the next election, thank goodness, we won't have to listen to a socialist government any longer in Ontario.

Hon Brian A. Charlton (Government House Leader): I'll be very brief, but there are a couple of things that I have to say in response to the member for Mississauga South and the comment she's just made. She started out by pointing out, the member for Mississauga South, that the motion which was put and the precedent which she cited around its use in the past was in 1982 in an administration that the member for Mississauga South was a part of; so I would think it's fair to say that the member protests a bit too much about the use of this technique tonight, because it's a technique she's been involved in personally before and is well aware of.

We have a legislative process here which has been hijacked by a handful of members in this House. Both of the opposition parties in large part support this legislation, and the reason we've moved the motion that we've moved and the reason why these motions have been allowed in the past is because the tactics of the members opposite are designed to ensure, because this session is coming to an end, that the bill would not be back in the House for a vote of the full House—the democratic process that we all like to talk about.

We've moved this motion here today in order to get this matter back before the whole House before the end of the session so that we can deal with a piece of legislation that's extremely important to the people of this province, especially to the young people of this province who haven't become victims, like so many of us, of the bad habit of smoking. This is a procedure that's clearly set out in Erskine May and in the precedents of this House, because of the time that remains in this session and the deliberate attempt on the part of certain members to ensure that this bill doesn't reach completion by their tactics.

I'd just encourage members to understand the process that's occurring here so that we can get this bill back before the whole House to be dealt with before this session ends.

Mrs Marland: In rising to speak to this motion, I would like to confirm for the government House leader that I was not a member of this Legislature in 1982 and I have not ever, unfortunately, sat—I sat as a government member for six weeks. I did not, however, sit as a member of a government that invoked this particular tactic, to use the government House leader's own word. I find it really interesting that the government House leader just invoked this tactic. It is a tactic, and my position on this bill may or not be reflected by my objections to this "tactic"—to use the government House leader's word—that he has just invoked this closure motion. I think what is absolutely unconscionable for any government is to say, after one hour in committee of the whole, "We do not want to hear any more."

I'm simply saying that whether or not we agree with

the opinion that opposition members still want to raise on behalf of their constituents, they have a right. They are elected to do that.

Mr Randy R. Hope (Chatham-Kent): Oh, come on now, Margaret.

Mrs Marland: Maybe the government backbenchers who are currently now interjecting and chipping away would do well to get up on their own feet and speak on behalf of their constituents instead of sitting back and the only contribution they have to the procedure and the debate in this House is to enter into interjections. If they had something to say that was worthwhile, they would be up on their feet speaking—

Mr Hope: If you had something to say worthwhile—

The Chair: Order.

Mrs Marland: —but they choose not to do that. I simply say for the member for Chatham-Kent, who seems to have a propensity for interjections, that he may not like the fact that the opposition members have an equal right in this province to represent the people who elect them. It's a right which we cherish.

I will tell you that I will fight to protect the right of every member in this House to speak on behalf of their constituents. This motion presently before us on the floor, placed by the parliamentary assistant, frankly takes away that right totally. It is absolutely unreasonable after less than one hour in rotation, which means 20 minutes per party in this House.

I say to you again, Mr Chair, that this is a totally unacceptable motion at this time in this debate.

1720

Mr W. Donald Cousens (Markham): The Legislature is the one place where elected members have an opportunity to debate issues that are brought to the House through the normal legislative process. That is something that is the right of the democratic system, a right that we have guarded and cherished for the years in which the Westminster model under which we operate has been established.

When people elect members to the Legislature, they have a sense that those members are going to be dedicated to the purpose for which they're elected, and that is to make sure that there is free speech, that opportunity by which members from all parties will be able to debate and discuss issues fully and completely.

Sometimes we take the wrong side on issues. It's hard always to be right. But it is very much one of those absolutes that we should guard and protect: that in this House members have a continuing responsibility and right to speak on issues.

I think sometimes people who are not following the legislative process can be very quick to criticize. They say, "Did you speak on that issue?" Then, if you haven't got something in Hansard, what you do is you say, "My representative from our caucus spoke on it." The member for Leeds-Grenville will have addressed the issue and I will accept his statements as him at least being the spokesperson for our party.

There have been many times when, over the years, we

want to make sure that the views that come out of our caucus—and we're never always united on all issues, but we'd like very much to make sure that our representative spokesperson, the critic for a responsible job, has the opportunity to make their views known in the House. That's been something of the give and take of the parliamentary process, an opportunity for full and free speech on matters. I happen to believe that it's been one of the great strengths of this place.

Our last speaker on this particular motion by the government to close off debate was the member for Mississauga South. I have to believe that when the honourable Margaret Marland, who is our critic on Housing, speaks in this House on Housing matters, it's clear, lucid, intelligent debate, and she offers something that represents very much my thinking. When we sit down in caucus, we will be able to come out of that and I'll know that when she speaks it's very much the kinds of things I'll wish I'd said. I don't like to give her that credit in the House at the present time, but it's true, Margaret, and I commend you for the excellent way in which you have presented these things.

The honourable Chairman of the committee of the whole House, which we are in now, Mr Noble Villeneuve, when you speak on behalf of the agricultural community, I listen, because there is a person who, when he's standing up for the needs of the rural, the farmers, the agricultural community, speaks with wisdom. If anyone wants to cut you off, I'll be there to protect and defend your right to speak.

Mr Hope: Not for long, you won't be.

Mr Cousens: That's true, not for long. This might be my last time to speak in this Legislature.

Interjection.

Mr Cousens: Look, Randy, as long as I'm here, you're stuck with me. I have a responsibility to stand up every chance I have.

This is a democratic right. When we are elected, we as elected members see this as an obligation. Then what happens is that if anyone ever takes that for granted, the parliamentary process is thwarted, free speech is thwarted.

I look across from me and I see the honourable member for Welland-Thorold. If there's anyone who got people angry a few years ago, it was Mr Kormos. He stood in this House for the longest period of time and he didn't bore us once.

Mr Runciman: Well, maybe once.

Mr Cousens: Maybe once. He stayed awake, so we stayed awake. But he spoke for—was it five days, Mr Kormos?

Mr Runciman: It was 17 hours.

Mr Cousens: Seventeen hours. It was an incredible performance of democracy where this member, who may have differed with the government of the day, had the opportunity to stand in this House and make his points known, and he did so.

Mr Peter Kormos (Welland-Thorold): The difference is that the government hasn't changed.

Mr Cousens: Isn't that true? I don't want to defend you on that one; we don't agree. I'm agreeing only with process at this point. That's what we have to continue to fight for.

When Mr Rae's government was elected on September 6, 1990, it was quite a day and so began an era in Ontario's history that really has seen the erosion of democratic rights in this House, because what the government has done is change the rules of the Legislature so that in fact we don't have the right to debate motions and issues as we once did. Everything now has time allocations.

Interjection.

Mr Cousens: Well, except the motion I'm on right now, which has no limits because on this motion to defer and to delete and to cut off debate, it's the kind of motion that though they've changed the rules of the Legislature, there is nothing to stop me in the committee of the House, as long as I have the floor, to hopefully bring some sense to the heart and mind of the honourable House leader of the New Democratic Party to reconsider the motion he has that would prevent further debate on these amendments, which I will come to in a moment.

If there's some way in which that honourable House leader is able to remove from the bill certain sections that have caused alarm and concern on the part of other honourable members, such as the members for Leeds-Grenville and Renfrew, then we would be in a much happier position to allow the debate to continue.

All I really want to do is draw to the attention of the House and of people who are watching this scene that something is happening in Ontario: What is happening is the removal of the rights of legislators to do their job. Their job is not only to represent their constituents, but to represent a point of view and to make sure that point of view is presented to the House, that people then have an opportunity to react to it, that there can be honest and fair debate. We're in that kind of a structured environment where you have the adversarial presentations, you have opposition. If on occasion we are able to support government initiatives, we will support them. I've done that, not as often as the government would like me to do, but I have.

For instance, Highway 407: As I look across, the honourable Minister of Transportation has done an excellent job in keeping 407 alive to the present time. I just hope you continue to. As long as you're doing the right things and keeping that significant transportation corridor being built, it is going to be as significant to York region, Peel and other areas as the railroad was to Canada; it will be to our areas in the greater Toronto area.

The Second Deputy Chair: Mr O'Connor's motion doesn't refer to transportation, to the honourable member.

Mr Cousens: Mr Chair, indeed it doesn't, but it is an example of where, when the government is doing it right, I am prepared to compliment them and to support them, as is our caucus. Responsible opposition requires us to, and to acknowledge that the government can on occasion do something right. But on this motion, they are not. In

this motion, in removing the opportunity for continued debate on this, they are in fact thwarting; they are removing from the opposition that right.

We are very, very concerned about this. This Bill 119 has many ramifications to it. We realize there are some who would like to get out of the House this Thursday, on June 23, and that every moment counts between now and then, but we're anxious that we also not remove from ourselves that opportunity to participate in debate. That really was the point being made by the member for Mississauga South and I want to reinforce that with my own comments and believe, through my opportunity now to speak to this motion that's been presented by the government, that the government will reconsider that motion.

If there is some way in which their House leader or representatives of the government would indicate some moderation, some removal of certain clauses from the bill that do not have to be included with it right now in this process in committee of the whole, we would then be able to have a working out of a satisfactory compromise.

1730

The best option that we have, though, is that the House continue a full and proper debate on the amendments that have been prepared and presented by the member for Leeds-Grenville and the member for Lanark-Renfrew. As we do this, we are given an opportunity to represent views that are very important to us. If these amendments are going to be removed from further consideration, it means that the government just takes Bill 119 as it is and passes it without any opportunity for the opposition to have made any representations whatsoever. That is what's wrong. We call upon the honourable House leader to reconsider his motion and to look at another way in which he can keep the opposition happy.

I have to say that if this House were being run by a minority government, you wouldn't have the government coming through in the last few days of the House trying to ramrod, railroad, push through certain specific pieces of legislation without some kind of dialogue that takes place behind the scenes. What we have always looked for is that kind of participatory involvement in all forms of activity within the Legislature, but when a government has a majority, as this government has—it's so seldom it operates with a free vote—we end up having to fight for every inch and every possibility. We are prepared to continue this fight, because we believe that our rights as members are being removed when the government presents for quick passage a motion that will remove further debate of the amendments.

The amendments really are significant. I understand that, but that's true with pretty well every bill that comes through the House. We bring forward amendments with the hope that in presenting them there can at least be some possibility that those amendments will be considered and that backbenchers might think for themselves rather than being pushed around by the whip of the party and that others from within the NDP caucus or government caucus—

Mr Paul Klopp (Huron): You shouldn't compare us to the Tories.

Mr Cousens: It's not just the NDP; any government seems to operate this kind of feeling of doing it its own way and not listening to the opposition.

We believe, however, that it is imperative that the opposition have the right to speak and to be involved in this process. As I see it now, it's just consistent with the actions of this government. When Bill 143 came through—and how many of us know Bill 143, the bill that was brought in for the Waste Management Act around the greater Toronto area?—the number of amendments that both the Liberals and ourselves brought in during that committee process were all turned down. What we've ended up with is a bill that is still unworkable.

The Interim Waste Authority is a mess and there hasn't been any effort taken by the government to correct the problems that were seen right from the beginning. We made every effort to get the government to make changes to it, but it wouldn't do it and proceeded down the path to try to force megadumps in York, Durham and Peel and proceeded with the spending of over \$100 million on that ugly process. This government would not begin to look at other options such as rail haul to the north. They would not look at the option of even considering for an environmental assessment the possibility of having incineration. These amendments, which we put forward then, were ruled out. When they voted on them, they voted them down. At least we had the chance to present them. We can go back to Hansard and show how the government failed to pay attention to what we were trying to do at the time.

Today we're doing the same kind of thing with Bill 119. Our members have brought forward responsible amendments and are trying to get the government to at least look at them as a possible way of dealing with a problem. The government isn't prepared to look at them. The government wants to end debate. They want to just close off debate. They're trying to put closure in again. That is not what we are willing to accept. We want to have the opportunity to speak on these issues.

I'll never forget when the government brought in the social contract. There was an example when the Liberals, in their own wisdom, decided to have no amendments and they brought forward no recommendations. They decided they didn't want to be part of the social contract in any way. I was the Finance critic at that time for the Ontario PC caucus and I brought forward, on behalf of our caucus, 29 amendments that we presented in this House. Though none of those amendments carried, I at least had the chance to present other ways of going about the kind of cutbacks the government was looking for.

We made suggestions; we brought forward thought processes; we brought forward a number of ideas that were included in the 29 amendments that we had. We went through a process, as painful as it was—and it still stands in my mind as one of the most painful things as an MPP that all 29 amendments that our caucus brought forward were voted down, every one of them. I think that we would have had fewer problems in the province of Ontario had we considered more seriously the kinds of amendments that our caucus had delivered to the House

through that debate. But at least the government was prepared to listen to us, and in listening to us, they at least gave opposition the chance to present another point of view.

That's what the public wants. The public at large wants to see their members work through, agonize through, the issues, and out of that—it's like a crucible—will be the development of maybe a new idea. Maybe there can be a compromise and a little give and take, and maybe then there can be some kind of new idea that comes out of it.

In fact, isn't that what Hegel talked about? When you talk about the whole idea of the thesis, you deal with the thesis and then you have—what is the opposite of thesis?—antithesis, which comes up with the synthesis. So those are the three workings through of the Hegelian dialectic.

When you're stretching it, and you know you've got to go for another two or three hours, it's important that we educate the House leader on what's going on in our minds.

What we're thinking about is the fact that our rights as members are being removed, and that in order to keep the debate alive, we hope the House leader is going to come up with some way of appeasing the very legitimate opposition concerns that Mr Runciman and Mr Jordan have presented, and that if you're in a position to consider their concerns, there may well be a happy compromise where you're able to remove from the bill certain sections that are very, very problematic to us.

You can bring them back in the fall when the House comes back, if it comes back, unless you call an election between now and then. And that seems to be a possibility in the minds of some. If Mr Rae decides that he's climbing in the polls and things are looking better and Audrey McLaughlin is no longer a threat to him and he's got things going well and the caucus is really united, then he may not need the Legislature any more. Maybe by not bringing the House back until November, they're saying, "Well, why have the House come back on schedule?" I mean, we're supposed to be coming back on September 26, isn't it?

Mr Runciman: September 23.

Mr Cousens: It's September 23. It would appear now that the government may well not call the House back until November, removing again the opportunity for free speech, and that is something I'm concerned about with the government motion now. We want very much to have the right to bring up our amendments, have them debated, have them considered and in that process make sure that the government has not missed some of its opportunities to do other things.

Mr Drummond White (Durham Centre): Don, this could be your swan song.

Mr Cousens: I know; it's some swan song. I think they're going to pluck me before I'm finished.

The amendments that are now being ruled out of order by virtue of this motion—and should this motion be allowed to come to a vote, if I or other members of our caucus sit down and allow this to come to a vote—what you're really doing is removing our right as responsible

members of the opposition to have a full and complete debate.

The amendment that is now before the House, is it not this one, Mr Runciman?

Mr Runciman: Yes, it is. That's right.

Mr Cousens: It's a very straightforward amendment. What has been moved is that subsection 5(1) of the bill be struck out and the following substituted: "Packaging to bear information." In other words, "No person shall sell or offer to sell tobacco at retail or for subsequent sale at retail or distribute or offer to distribute it for that purpose unless the package bears or contains a health warning and other information in accordance with the regulations."

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What we're really trying to touch upon with this amendment is the need to continue to remind smokers of the peril of what they're doing to their health. There are even yet people who have no understanding of the dangers of smoking either to their own health or the secondary aspects of smoking to other people.

By virtue of recognizing this, we're saying there will be a continuing need for people who are hooked on this habit—I realize how habit-forming it is. We understand the importance of having some way in which those people who are buying tobacco products will need to be reminded of what it is they're doing. But the people who are selling it also have a certain kind of promotional or marketing thing to help identify their product from another product.

I think the intent on this one is very clear, that we are supportive of the need to educate people on what it is they're doing but it's not for us to decide for them. If they're grown-up, mature adults and are old enough to buy and spend their money so inappropriately, then at least let them be reminded and make sure that they're aware of the consequences. It is not for us to try to run everything in people's lives, and that's in fact part of the reason we want to change Bill 119, to leave options open. That's part of the New Democratic way. The New Democrats want to have it their way or no way at all. What we're really seeing—

Hon David S. Cooke (Minister of Education and Training): You're picking up your marbles and you're going home.

Mr Cousens: Now, now, Mr Cooke. I still have a few marbles left, maybe. We'll just see. We won't count them now in public.

I lost my train of thought. I'd better go back over that whole motion again, so that you can suffer it through; I think I really should. I will read that motion again, so that you're—

Mr Jim Wilson (Simcoe West): I didn't hear it, Don.

Mr Cousens: You didn't hear it. I wouldn't make you suffer that much.

The other amendment that we want to make sure is debated fully is, again, to be moved in committee, and what has happened is that the government House leader is removing it from consideration by suggesting that this

motion be tabled, and when it's passed by the majority of the New Democrats, it sure wouldn't get any support from the PCs. The Liberals, we don't know what they'd do. If they wrote a letter on it, we would have a better sense for it, but I have a sense that the Liberals would not—do you know what they're—well, there aren't enough votes between us and the Liberals anyway.

The NDP won the election in 1990 with 37% of the vote and they have control of this Legislature. We are concerned that this control should not be abused and that we should have the right as opposition members to debate this bill fully and completely. With the passage of this motion by the government, it's removing that from us, and we have great concerns about it.

The second motion is another very carefully prepared motion by Mr Runciman and Mr Jordan and again it has to do with Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to regulate its Sale and Use by Others, moving that clause 18(1)(d) of the bill be struck out and the following substituted, that is respecting the health warning and other information referred to in section 5.

Again, it's allowing the manufacturers of tobacco products to have unique packaging for their product, again consistent with the guidelines and regulations for health warnings, but at least not removing their right to have some freedom to develop their own packaging for their products.

Then the other motion, which again allows us to deal with subsection 5(1), the earlier motion, is striking out other clauses that pertain to it and likewise 18(3). So the motions all tie in to the concern that packaging is to bear certain information.

We know that packaging for tobacco products has to contain certain key information and health warnings. We want that. There hasn't been any objection to that at all, but we are concerned that the government is trying to change everything so much in the New Democratic way, that everybody has to just have this plain, ordinary packaging that's going to be their new approach to tobacco packaging. It's not going to do anything to reduce or remove the illicit trade in tobacco products. It's going to do more to remove the jobs of those people who are in the printing industry who are preparing and printing the packaging for tobacco products.

I sincerely hope that the honourable House leader is giving serious consideration to ways in which he can deal with the problem that is now created in this Legislature, that in fact the Legislature has a problem. The problem is that the House leader, who has become very cantankerous in his job, has become very vicious and mean-minded in trying to remove from opposition members the right to freedom of speech.

He has quickly forgotten in four years what it was like when he was in opposition and was such a bellicose—is that a fair word?—belligerent person himself, and now that he is in such a senior office, as government House leader, he feels that he knows best. That is not the case. He doesn't know best. He will never know best unless he at least listens to what the opposition has to say.

What is happening in this House right now is that the government is removing the right of opposition to make their views known. If the motion before the House is allowed to be considered, we know it will pass, and then this bill will go through, and there will not have been consideration of the amendments that have been prepared by Mr Jordan and Mr Runciman from their respective ridings. Why should that be allowed to happen without some kind of fight?

I have not yet seen any kind of movement from the government House leader, and this surprises me, because he is as concerned as anyone that I am running the clock, and as the clock goes, the motion is just sitting there, and therefore time is being lost.

It would be very appropriate for all members if we could get on with the very important business of the House, if there was some compromise on the part of the government House leader, just some small particle of hope that there is going to be a way in which certain sections of the bill could be temporarily removed from consideration for now and that come fall or another time the House can then go back to it.

Hon Mr Charlton: The last acceptance.

Mr Cousens: Well, we're prepared to accept whatever you suggest, any method that could be used to postpone the inevitable on this bill so that the sections that we would like to review—

Hon Mr Charlton: You can't postpone the inevitable.

Mr Cousens: Well, we could do that with unanimous support of the House. Anything can happen in the Legislature if the majority of members of this House were to decide, "Let's go and pass the entire bill with the exception of these few sections that are contentious and worrisome to members of our caucus." At that time, then, the government could bring them forward separately under another bill, and we would agree that there would be a certain amount of time allocated to it, and then it would be processed. In the meantime, you would get most of your bill passed today, the large part of it.

These other sections that are worrying us aren't going to become effective right away—we don't want them to become effective at all—and so what you would have done is accomplish some kind of happy compromise, a compromise in which you got most of what you wanted and we got something of what we wanted. Now, isn't that good government? Some give and some take. We're prepared to give you the rest of the bill if you will allow us to remove from consideration those sections that are before us that you're trying to remove further debate on.

All we can say is that probably the largest frustration to opposition is when you come into this House and you have the expectation that you're going to make a difference. Mr Smith went to Washington, really expecting to shake up Congress, and there he was and he went with all the idealism and the hopes and aspirations of someone who was going to change the world. There isn't one of us who, on our first day and week and month and year in this House, didn't think we were going to have some influence for good to make it a better place.

So in my final gasps as a member who isn't going to

be around here after October 1—

Applause.

Mr Cousens: I know, the applause builds—I continue to beseech in earnest some kind of responsible backing off on the part of the government. We won't call it a retreat. We won't call you names. We'll say it's at least a minor victory for the opposition that though we didn't have a full and complete debate on these sections today, there will be another day in which we can come back and deal with them separately, and the government will have been able to have the rest of the bill dealt with. That's called working it out together.

What has happened now is that while we're sitting here in session the government has brought forward a motion that would just end debate. We do not want to stop debating this bill. Our caucus still has more to say about this bill. The spokespeople on behalf of our caucus, Mr Runciman and Mr Jordan, are both ready to carry on a full and complete debate on this bill. So as a result of that, we look forward for the chance to speak.

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Don't handcuff us. Don't try to remove that right. Yet it's something that happened when the government changed the rules of the House. They have now done it so that opening remarks are limited to 90 minutes by members at one time, and then subsequent speakers on a bill from a caucus are only allowed up to 30 minutes.

We were referring previously to the member for Welland-Thorold, when he spoke for 17 hours. It was an impressive, long debate. The NDP used that time to bring out their point of view on automobile insurance very effectively, and having used it successfully, they know how good it was, because it caused people to sit and think. So now what happens is the government, having seen what can be done through members speaking in the House, removes that right from us.

We ask the honourable House leader to rethink his position. We ask him to consider again this motion. We ask him for the opportunity to debate fully and completely Bill 119. We have motions prepared. They're ready to be debated. What the government has done is bring forward a motion that removes that possibility. All we ask is that there be some consensus for a give and take.

It becomes very difficult to keep this delay tactic going, inasmuch as I don't see any moderation on the part of the government House leader. He is not even paying attention. I think he has turned a switch, which means maybe by 10 o'clock tonight, if I am still going, he'll be able to say, "I'm willing now to think about it," because by then we might have made an impression.

There is a concern, and our concern will not go away without some kind of working through of this crisis in democracy. The opposition has to have the right to speak out on issues, to present its view, and if the government's closure motion, which would end debate now, is allowed to pass, it would mean the amendments that have been prepared by our caucus will go no further.

That is not why we are elected. We are elected as members to make sure these views that we have, whether you agree with them or not, are allowed to be tabled and

placed on the legislative floor for full and complete debate. That is being removed from us today, and we object to that. We object to it strenuously, and we sincerely hope the government will begin to understand that it has a problem on its hands, and the problem has to do with again removing our rights.

I've seen this done before. It's not something I've been proud to see done, but it's the kind of thing that's become very frequent in this place. As we begin to deal with an issue, if it's the least bit contentious, then the government says: "Oh, we don't have any more time for it. Cut off the debate." They bring in closure. That happened with the basement apartment legislation.

Mrs Marland: Yes, 120.

Mr Cousins: Bill 120. The member for Mississauga South valiantly fought the battle to try to bring some reason to it, brought forward tremendous ideas from her riding and from Peel. The whole province was seeking some kind of compromise on that bill, and then the government, when trying to deal with it, decided, "End the debate," brought in a motion of closure. We spent two days ending the debate. We could have at least have had further discussion and debate on it at that time.

I haven't got a list of the number of times this government has closed off debate in this House, but it just comes so easy to them. If someone is just taking up too much time, end the debate.

That is really a tragedy to democracy. Democracy encourages that freedom of speech. It encourages people to be able to have that give and take and dialogue that allows opposing points of view to be presented, and then, as you go through this process, there can be some kind of development of a new way of doing things.

Unfortunately, since probably September 6, 1990, there has not been that free debate. It has been the government's way or no way. It has been very, very seldom that members of the opposition have been able to persuade this government to do anything differently than what they were going to do.

It reminds me of the person who tried to describe what is an NDP. An NDP is really more like a religion than it is a political party. It works on the belief system. "If you don't believe the way we do, then you're not really part of it." They don't have that ability to give and take which I think is part and parcel of a good political process, to the extent that a friend of mine whose sister was in charge of admissions of the Saskatoon General Hospital describes an NDP in this way: She said, "It really is a religion." She has this experience to describe how the NDP, when they're coming in the hospital—this lady's in charge of admissions at the Saskatoon General Hospital and she says that 25% of the people who come into the hospital give their religion as NDP.

Now, that tells you something. If you're going to be NDP, don't get so religious about your viewpoints that they're so sacred and special that you're not able to have some give and take. All we're asking in responsible opposition is that you not only allow it, but we're insisting that there be some way in which the debate can continue on the amendments that are before the House.

I notice that my friend from Leeds-Grenville is prepared to say a few remarks, and I will pass it on to him with the hope that maybe shortly the government House leader will back off from his motion and allow us to remove certain sections from Bill 119 that are problematic to us and allow those sections to come forward in a bill at a separate time. That would mean the rest of the bill could proceed and we would have a future occasion in which we could deal with these very serious issues.

They are serious enough that our party and members from our party, Mr Runciman and Mr Jordan, feel strongly enough that we are most anxious that the government back off from this heinous, horrible motion of closure that will not permit us to debate it any further.

We sincerely hope that the government will listen to our concerns and allow some compromise to take place that will permit the rest of the bill to go through. I trust that the government House leader will acquiesce.

Mr Runciman: I was hopeful that a government member might stand up and make some contribution towards this debate other than the non-answers we were receiving from the parliamentary assistant.

This effort to cut off the debate is disturbing. You cited a precedent, Mr Chair, going back to 1982. I assume that the 1982 precedent is the only other time that this has been imposed. That's the most recent use of this draconian measure. I admit that it was during—and I'm not questioning the Chair, apparently this was used during a Conservative government, and that is unfortunate indeed because it's a totally inappropriate measure.

I can't recall the circumstances surrounding that or how much debate had preceded the motion by the government; I suspect considerably more debate than what has occurred here, because we have had very little opportunity to have input into the implications of this legislation. We are essentially concerned about one element of this legislation, and that's the generic packaging part of it.

We wanted to deal in length with these implications because we think they're important and they should be on the record. We're not going to now, if this motion proceeds, have the opportunity to do that.

One of the things that I wanted to get feedback on from the parliamentary assistant was his contentions about plain packaging. I have a picture here which shows a package of cigarettes with a skull and crossbones on it, a black-and-white package, and it says: "Tobacco seriously damages health. Death Cigarettes."

This pack, we're advised, is selling like hotcakes among teenagers in the United Kingdom, and the skull and crossbones is the international symbol for a toxic substance. Even the name "death" leaves no doubt as to what will ultimately happen and there are four separate warnings on the package. It can't be made any more explicit. As I said, this is a black and white plain package with the skull and crossbones and the word "death" on the package, and it's selling like hotcakes, with four explicit health warnings also incorporated.

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Those are the kinds of things we would like to have

had the opportunity to explore in more detail with the parliamentary assistant. We certainly don't expect the Minister of Health to be here. She's never made any effort to participate in this debate, if you will. In fact, as I said earlier on, they've closed off all opportunities, never initially afforded any opportunity, for package producers, specialty ink producers, the communities affected, to have any input into the implications of this legislative change. Now they are also closing off, by this motion, the opportunity for their elected representatives to go into detail in terms of implications, in terms of questions we have, that are really questions that are held by the members of our constituencies, to have this kind of interchange with the government's representative, the parliamentary assistant, and get answers for our constituents. Unfortunately, that opportunity is not going to be presented to us.

Another element we wanted to go into some detail with: The parliamentary assistant and the Minister of Health have tried to use tactics that I would describe as scaremongering in respect to the health implications and the fact that we are delaying passage of this legislation and we are in effect jeopardizing the health of thousands of Ontarians when, by this headlong rush into passage of this initiative, without taking a look at any of the implications—set aside the economic implications; let's just take a look at the health implications.

I don't know if even the federal study is going to take a look at these implications. Apparently, as I understand their mandate, it's to go out and take a look at plain packaging versus the current packaging and see if plain packaging will have some detrimental impact in terms of its appeal to young people, young consumers of tobacco products. Apparently that is all they're going to look at.

That's unfortunate, because there's a study completed recently by the firm Lindquist Avey Macdonald Baskerville. This is a company of forensic and investigative accountants, and they've done a comprehensive study on counterfeiting and the counterfeiting of tobacco packages. I want to tie this in to health implications because what happens, of course, if we go to plain or generic packaging, is that it becomes much easier and much less expensive for a counterfeit product to be produced.

As we've talked about earlier, you know the current packaging producers in Ontario use a very sophisticated, high-tech process to produce their product. They use very specialized ink products as well and it's extremely difficult to effectively counterfeit this kind of package. What we're talking about now, in this move to generic packaging, is a packaged product which is going to be fodder to organized crime elements in this country and outside our boundaries, a further opportunity for the organized crime elements in our society.

Putting that whole question aside, let's take a look at the health impact of the easy availability of a counterfeit product. This company has investigated this question, and they've looked at copycat cigarettes. What it involves is an analysis which indicates that tar content was significantly higher in copycat cigarettes versus the genuine product. Filters were of substandard quality, not as efficient in the filtering process. As I said, tar content

was higher, and they use a much lower and less expensive grade of tobacco leaves.

As all of us know, or I would hope all of us know, the manufacturers of genuine tobacco products are required by the federal Department of Health, Health Canada, to report their levels of tar, nicotine and carbon monoxide, and they have to do that on a quarterly basis. The average combined percentages are then printed on the package face. So if you are out buying a package of du Maurier or Player's, you can feel confident as a consumer in terms of the quantities of tar, of nicotine, of carbon monoxide that are contained in that product.

What happens when we move to a counterfeit product is that we are making these young people more vulnerable to a significantly increased health hazard.

I don't even see the parliamentary assistant in the House any longer to listen to these concerns. Mr Chairman, we may have a quorum here, but I'm going to ask you as a point of order if indeed we do have a quorum.

The Chair: Please check if there is a quorum.

Senior Clerk Assistant and Clerk of Journals (Mr Alex McFedries): A quorum is present, Chairman.

The Chair: The member for Leeds-Grenville.

Mr Runciman: I suspected there was a quorum present, but the fact is that the government is closing off debate on this important piece of legislation and I'm raising concerns we have not had the opportunity to even discuss, have feedback from the parliamentary assistant—

Mr O'Connor: They've all been heard.

Mr Runciman: They have not been heard.

Mr O'Connor: Two hundred hours of hearings.

Mr Runciman: Completely and utterly false; the parliamentary assistant making a comment like that. I'm talking about the health hazards of a counterfeit cigarette and he's telling me that kind of testimony was heard before the committee. Stand up here and substantiate that. I know that is utterly false, and he shouldn't be making those kinds of interventions. He is, after all, the parliamentary assistant to the Minister of Health.

We're talking about an issue here dealing with deaths of people as a result of consumption of tobacco products and he's been expressing concern about that, and here I'm saying that by moving to generic packaging, we are very much significantly increasing the health hazard to consumers. He's not even prepared to listen to that. In fact, we get this kind of interjection which is a complete distortion of the facts.

I want to reiterate how strongly I feel about this, that this kind of question should be looked at in depth, and by the government's efforts to close off debate, we're simply not going to have that opportunity.

Mr Jordan, the member for Lanark-Renfrew, and I have talked about job losses. We've travelled to Ottawa to appear before the federal committee to express our concern about the job losses in our ridings that will come about if the federal and provincial governments move jointly to generic packaging.

I've talked about the health implications which obviously should be explored in depth, but we're not going to

have that opportunity to even have a response from the government representatives.

I talked about Shorewood Packaging in Brockville which employs 220 people; Kromacorp Inc in Prescott, a specialty ink producer, which employs 42. Those are extremely important industries in my riding, Mr Chairman, as I'm sure, with the kind of riding you represent, you can appreciate. Those industries are very important to me. The Smiths Falls plant, for Mr Jordan, is extremely important, to the Smiths Falls people and the surrounding area, to the small business people, to their suppliers, to the municipal corporation that will see its tax base significantly eroded by the closure of these plants and the jobs lost to this province and to this country.

But again, all we have are bland assurances from the government, no willingness to even consider our concerns and the concerns of all of these communities and employees by making some effort to address them through the bill itself. We could have had an amendment.

I was quoting from a letter that I recently received from the Minister of Economic Development and Trade, dated June 9. In the last two paragraphs of this letter, she's saying—this is a question about the downsizing and job losses—"Further reassurance should be taken from the fact that the actual printing process which is presently used for packaging will not change regardless of the type of package requirements introduced. I understand that the labour-intensive rotogravure process currently used will still be necessary, as any other process results in tainting the product, and this government is committed to preserving and creating jobs in the province."

1810

Well, contrary to the parliamentary assistant, who said earlier that he wasn't interested in preserving jobs—

Interjection.

Mr Runciman: Well, he said that quite clearly. It's on the record.

"I have taken the liberty of forwarding your letter to Ruth Grier, Minister of Health, for consideration, and she will follow up."

Again, these are assurances from a minister of the cabinet. Why is the government not prepared to incorporate this kind of assurance into the legislation? Why is the Minister of Economic Development and Trade not joining in this debate and providing her assurances? Why is she not supportive of an amendment which would recognize and address the concerns of many people?

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): It's not needed.

Mr Runciman: She interjects that it's not needed. Well, I mentioned earlier that the people of this province, and indeed this country, have been significantly disillusioned in the past by promises and assurances by governments and government officials and politicians of all political stripes saying, "You don't have to worry; we're going to look after you." Then, when reality hits the wall, we find out that in fact those assurances were very hollow, those promises were very hollow indeed. We can cite example after example at the federal level and at the provincial level.

So I don't think the people of Prescott, the people of Smiths Falls, the people of Brockville, the families of the employees affected by this legislation are going to accept those kinds of assurances as their salvation, because they simply don't have any faith in the promises of public servants and elected officials, and I don't blame them.

I want to continue participating in this, but I want to ensure that my colleague the member for Lanark-Renfrew has an opportunity to participate as well.

Mr Jordan: I would like to go back, if I could for a minute, to the point that we were trying to make earlier: that we are not against Bill 119; we just want that one amendment removed from that bill so that if it has to come back it would be based on sound statistics.

I would like to read again—I don't know if my colleague Mr Runciman read from your letter, the member for Beaches-Woodbine, regarding this issue. She says, "Only should enough evidence be accumulated that establishes that tobacco packaging has a material impact on consumption will it be necessary to pass regulations," only if that should happen.

Now, this is your minister, Mr Parliamentary Assistant, who's saying that only if the statistics that the federal government is now trying to establish—

Hon Ms Lankin: This is enabling legislation.

Mr Jordan: Then if it's enabling legislation, let the other legislation go forward ahead of it, based on the fact, just this one section of it. I thought I found that little part in Lanark-Renfrew that you had a soft spot for.

Hon Ms Lankin: I do, and I'll work with you on job creation.

Mr Jordan: Job creation? We have 500 jobs. We're trying to maintain them. I'll be the first one to give up 500 jobs if they produce these statistics that in fact the colour of the pack is going to start my son or daughter smoking, because I know how they start smoking: the same as I did; a friend gives them one and they start and it goes on from there. But going into the store to buy something and saying, "Well, I like the colour of that pack; I'd like to know what's in it; I'm going to try it," when I met with some of them on the weekend, they just laughed at me and they said, "You know, you just don't understand." They were embarrassed that I would be asking such silly questions.

Really, when you think about it, we're spending a lot of time here on something that shouldn't even be in Bill 119, because we do not have the studies done to back it up. The report from the federal government today, from the committee, states very clearly: "Other considerations relevant to plain packaging were also assessed during the inquiry. The committee therefore cautions the federal government" about moving ahead on this issue.

What we're saying to you today is, don't move ahead with this bill with that amendment in it.

Why would the government be so strong on moving ahead and making those families that I speak on behalf of so restless and concerned about their future? It's hard to realize those parents' minds now as we discuss this bill. Certainly they're not going to be as directly concerned with their teenaged children smoking as they are with no

money coming into the household. That's the reality of it. I'm sure these parents we speak on behalf of, if I could go back to the riding and say, "There are the statistics proving that you buy cigarettes because of the colour of the pack," would be the first ones to say, "As tough as it may be, we're going to have to accept the fact and hopefully the Ontario and federal governments will have alternative work for the industry where we're employed."

It would seem that the Minister of Economic Development and Trade, in her statement, understands that only if enough evidence be accumulated that establishes that tobacco packaging has a material impact on consumption—remember that—will it be necessary to pass regulations introducing strict packaging requirements—only if that should be. All I'm asking for is, let's wait and see the results of the studies that are now being done. We seem to have got the cart before the horse here. Somebody ran out and put in the legislation before the studies were done.

I'm sure that when it was introduced to cabinet, they also had health as number one on their mind. Although the Minister of Economic Development and Trade does a good job trying to create jobs I'm sure that at that time she was either outvoted or something, because jobs were never really, as far as we can find out, part of the consideration that was made at that time.

Again, I ask the parliamentary assistant to put forward a motion that would remove that amendment to Bill 119. I think in doing that we can quickly pass Bill 119 and get on to legislation where we do have research done, where we have the correct information to make a decision, because when we're making these decisions and only considering a possible impact on health, it's just not fair to those 500 to 1,000 people—1,500 when you take the spinoff industries into account—to say, "In a year or so you will not have a job because this type of packaging will be extinct." They did the same thing in the dairy industry with butter. How long were they telling us: "Don't eat butter. It's not good for you"? Now they've changed again. They've done further research and decided that margarine is not good for you; maybe you should eat butter. It's all connected with my health.

Having five children from the age of 24 to 34, I'm certainly as concerned about smoking as anyone in this Legislature. I'm going to tell you it's time the parents took some responsibility, and the schools, for the education and self-discipline of the students relative to smoking or any other use of a product that's detrimental to their health. If we think we can stand in this Legislature and legislate the life of people to the extent that we're going to have them as your ideology thinks human beings should be, it's just not going to work. It's got to come back to the person, their own responsibility, the responsibility of the parents. It all boils down to self-discipline.

1820

To think we are speaking here tonight on what we think might be a problem with the youth and their health—and we're willing to give up up to 2,000 jobs in eastern Ontario, one of the areas in this province that has lost more jobs in the last three years than any other section of Ontario. The problem with eastern Ontario as

my colleague and I know it is that we get lumped in with the city of Ottawa, which is quite well substantiated through federal government positions. But eastern Ontario as we know it is completely removed from Ottawa and we're very dependent on the small industries that employ 200 and 300 people, especially high-tech industries such as Shorewood Packaging, which not only employs high-tech people but has a sound, real, comparable payroll.

I would ask the parliamentary assistant and the Minister of Economic Development and Trade to maybe take five minutes and talk about her letter, where she states that this would not become legislation unless there was substantive evidence to prove that generic packaging was damaging to health.

Hon Mr Charlton: The members opposite I think have done a particularly good job of making the point that I was attempting to make earlier. With the exception of a couple of very minor interventions by some of their colleagues, the two members have now consumed well over five hours in committee of the whole and are now complaining that they have not had a chance to say all the things they wish to say and bring to the attention of the House about this piece of legislation.

It's obvious that their intention is clear, and they've stated it publicly, that they don't intend to allow this bill to finish in committee, to be reported back to the House, to be passed by this House in the best interests of the future health of the citizens of this province.

For those reasons, I move that this question be now put.

The Chair: Mr Charlton has moved that the question be now put. When I look at the number of people who debated the issue, it's more than seven people.

Mr Runciman: On a point of order, Mr Chair: before your ruling on this motion, I want to make a point of order and express my concerns. They're related to standing order 47, which deals with the motion for closure and indicates, "Unless it appears to the Speaker"—or the Chair, in this case—"that such motion is an abuse of the standing orders of the House or an infringement of the rights of the minority, the question shall be put forthwith...."

I make the argument that the motion being put at this time is an infringement on the rights of the minority. I make that case on the basis of the fact that I have tabled a number of amendments to the legislation. We'd only dealt with one when we had the motion by the parliamentary assistant to not further consider the bill. Now we've had about an hour of opportunity on that motion, and we've had four members I think participate in that debate in our party, in our caucus.

The government House leader is suggesting we have not had an opportunity to say what we want to say. I don't think that was the point we were trying to make in the debate on the parliamentary assistant's motion. Our concerns were that we were not going to have the dialogue with the government members and the opportunity to ask questions and have responses and to try to deal with all of these amendments in detail and at length.

I make the argument that indeed this is an infringement

of the rights of the minority. I think it's quite fair, if you look at past precedents, and even the one cited by the Chair of the committee of the whole who was sitting in the chair prior to your arrival. He cited an 1982 precedent. If you took a look at that precedent, and that related to the original motion, I think you'd find that there was considerably more debate allowed by the government of the day prior to that motion being brought forward by that particular government in 1982.

I'm simply urging you, Mr Chairman, to afford the opposition members, who have very legitimate, valid, serious concerns about the implications of this initiative on our ridings, an adequate opportunity to make sure that their constituents are heard. They were not heard by the committee; they were not afforded the opportunity by the standing committee of this House. I think they at the very least deserve the opportunity to be heard in this assembly.

The Chair: I have listened attentively to your comments and I—

Interjections.

The Chair: Order, please. I have listened to your comments, and I realize that already seven people have spoken on that motion and you had ample time to debate it; therefore, I will come to the decision that the question be now put.

Mrs Marland: On a point of order, Mr Chair: Could you advise me whether it is in order for a speaker to rise and speak on the motion, make comment on the motion and then ask that the question be put?

The Chair: There's nothing wrong with that.

Mr Charlton has moved that the question be now put. Is it the pleasure of the committee that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 1828 to 1858.

The Chair: Mr Charlton has moved that the question be now put. All those in favour of the motion will please rise and remain standing until you're counted.

All those opposed to the motion?

The ayes are 56; the nays are 28. I declare the motion carried.

We now have another vote. It's the motion introduced by Mr O'Connor: That the committee of the whole House not proceed further with consideration of Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to Regulate its Sale and Use by Others and that the committee report back to the House at this time.

Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Do you want the members to be called in? Do you agree that the members be called in?

Call in the members; this will be a 30-minute bell.

The division bells rang from 1900 to 1902.

The Chair: We'll now be voting on Mr O'Connor's motion. All those in favour of the motion will please rise and remain standing until you are counted.

All those opposed will be please rise and remain standing.

The ayes are 70; the nays are 13. I declare the motion carried.

Hon Mr Charlton: I move that the committee rise and report.

The Chair: Mr Charlton moves that the committee rise and report. Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Shall I call in the members, or should it be the same vote? Same vote.

The ayes are 70; the nays are 13. I declare the motion carried.

The Deputy Speaker (Mr Gilles E. Morin): The committee of the whole House begs to report that it has decided not to proceed with the consideration of Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to Regulate its Sale and Use by Others, but to report it to the House at this time.

Shall the report be received and adopted? Agreed.

Report continues in volume B.

ERRATA

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145B	7109	2	32	agriculture, a couple of municipal people, one of the
145B	7110	1	49 50	ipal World. It says: "New Planning for Ontario is Flawed, says Makuch. 'A major goal of planning is to encourage

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No. 147B



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of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**Troisième session, 35^e législature**Official Report
of Debates
(Hansard)**

Tuesday 21 June 1994

**Journal
des débats
(Hansard)**

Mardi 21 juin 1994

Speaker
Honourable David WarnerClerk
Claude L. DesRosiersPrésident
L'honorable David WarnerGreffier
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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 21 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 21 juin 1994

Report continued from volume A.

House in committee of the whole.

ENVIRONMENTAL PROTECTION AMENDMENT ACT (NIAGARA ESCARPMENT), 1993

LOI DE 1993 MODIFIANT LA LOI SUR LA PROTECTION DE L'ENVIRONNEMENT (ESCARPEMENT DU NIAGARA)

Consideration of Bill 62, An Act to amend the Environmental Protection Act in respect of the Niagara Escarpment / Projet de loi 62, Loi modifiant la Loi sur la protection de l'environnement à l'égard de l'escarpement du Niagara.

The Chair (Mr Gilles E. Morin): Mr Duignan, any comments, any questions?

Mr Noel Duignan (Halton North): I have no comments or questions. I have no amendments at this time.

The Chair: Any further questions or comments or amendments?

Mr Bill Murdoch (Grey-Owen Sound): I have an amendment, if that's what you'd like right now.

The Chair: Yes, please.

Mr Murdoch: I have an amendment, moved by myself, under subsection 1(2).

I move that subsection 1(2) of the bill be amended by striking out the word "plan" in the fourth line and substituting "natural."

What this bill essentially does is remove any talk or anything of waste disposal systems as such on the whole Niagara Escarpment plan, which, as the bill is presented, says. What I propose in my amendment would be that it would remove any waste disposal systems and such in the natural area only.

I could explain that. In the Niagara Escarpment plan, what we have is a natural area which is the core of the plan. Then surrounding the natural area, we have what we call a protected area, and then out beyond that, we have a rural area. In the natural area is where generally the rockface or the wetlands or the swamps or anything like that are located. I believe this area should be protected, and in our area, in Grey, we've always protected that area, as you probably know.

But what has happened when the plan was drawn up was that people got a little lazy. What they did with the natural area was that they marauded through the countryside all the way from Niagara Falls to Tobermory, which is fine, and they picked out most of the natural area. There are some cases where they even missed some. They missed the whole town of Eugenia and in that area there's some beautiful rockface area that they missed. But going beyond that, the natural area, as I said, is most of the area that I think most of the people or maybe all of

the people of Ontario would like to protect. What happened after that is that whoever was drawing the plan got a little lazy and went beyond that.

They picked out what we call the protected area and some of that area, actually, should have been put into the natural area, but it wasn't. What happened then is that they got lazy and they started to go by lot lines and concessions. They got, as I said, lazy, and they went far beyond any area that should be protected in the Niagara Escarpment.

1910

After they did that, they got even more zealous with their plan and put on a rural area, which in most cases shouldn't even be in the plan. Maybe down south and down around Halton and places like that, where it's a smaller area, they could include it, and there doesn't seem to be a lot of protected and rural area there, but when you get into Grey county, which has over 15% of its land mass in the Niagara Escarpment Commission and over 35% of the whole plan, from Tobermory to Niagara Falls, is in Grey county, we have a large amount of area that involves the Niagara Escarpment plan.

Unfortunately, what this bill does is that it excludes waste systems in this area in the whole area: the natural, the protected and the rural. Again, I want to make it quite clear that no one wants to put a waste system on the natural area, or they shouldn't anyway, and no one in Grey county wants to do that. But when we go into the rural area, there may be places that would be suitable for a dump. It's nice to say that on the Niagara Escarpment plan there shouldn't be any, and that's a nice, motherhood statement, but unfortunately over 35% of the plan area is in Grey county and over 14% of Grey county's mass is taken up by this plan.

Where we run into problems is that maybe in some of this rural area there may have to be a garbage dump, a station where we would put garbage to be picked up, a wayside station, or there may be transfer stations. Right now, Grey county is working on a plan for its garbage and it hasn't come up with any locations yet, but what happens if one of these areas in the rural area may want to do that? Because a lot of the rural area that comes out from the Niagara Escarpment is rock, stoney, and can't be developed as farm land.

We have now the Niagara Escarpment coming up with its new plans that we understand are going to be unveiled after the House closes, which is really a difficulty for me, to understand why the new plan couldn't have been implemented when we were in the House so that we could have at least spoken on it. They're going to make things even tighter. So we're really concerned in our area that we have so much of the Niagara Escarpment plan in our area that we shouldn't be eliminating some of the

areas that may have to look at this.

I, myself, don't really want to see a garbage dump anywhere near the Niagara Escarpment, and I don't think many people in my riding would want to do that, but unfortunately, you start making rules like this that cover all of Ontario or all of the plan and that's what gets us upset, and that's what this bill is doing.

Another thing is that the Niagara Escarpment Commission now has too much control; we certainly hate to give them any more. They already abuse their power, and there's no doubt about that; the Niagara Escarpment Commission abuses its power every day. I just want to tell you about one instance. A group of kids in my riding in Owen Sound wanted to play soccer. There's an abandoned farm near the Niagara Escarpment and they wanted to put in soccer fields. The commission turned them down and said that kids playing soccer in fields wasn't compatible with the Niagara Escarpment. Can you tell me that isn't abuse of their power? Now we're going to give them more power with this bill, and that's what really bothers me.

I understand it's a private member's bill and I understand the concerns the member has. I wouldn't be involved in this if he hadn't put it on to my area also, because that's what he should be doing, looking after his area, and if he has problems there I wouldn't have interfered. Unfortunately, he stepped over bounds and now he's in the area I represent, and we already have too much control there by the Niagara Escarpment Commission.

No doubt the commission has more control than it ever should. They can't be trusted. The commission is way out of control. As you know, I have a private member's bill which would get rid of them, which we in Grey county would love to see, but I'm afraid on Monday they're going to be given even more powers beyond this bill. It really bothers me to see this happen, and this is why I've introduced this amendment to the bill. It would in essence take away waste disposal systems on the natural area.

Another problem we have, and in committee we talked about this, is that we're concerned about septic systems. We're told they're not going to be called waste systems, and I understand that, but I don't trust the Niagara Escarpment Commission for one minute. When they get hold of this bill they will take their powers, which they've done to this date, and destroy a lot of people's lives in my riding, totally destroy their lives with the way they interpret the plan, and unfortunately, nobody seems to challenge them.

The hearing officers are in bed with them; there's no doubt. They're called Niagara Escarpment hearing officers, they're appointed by the government, so they side with the commission nine times out of 10.

Mr Chris Stockwell (Etobicoke West): On a point of order, Mr Chair: I'm not sure, but do we need a quorum for committee of the whole?

The Chair: Would you please check.

Senior Clerk Assistant and Clerk of Journals (Mr Alex McFedries): A quorum is not present, Chairman.

The Chair ordered the bells rung.

Senior Clerk Assistant and Clerk of Journals: A quorum is now present, Chair.

Mr Murdoch: I have a few more words to say about this before I sit down.

As I was mentioning, one of the things we are concerned about is that septic systems will be called waste disposal systems and then the commission, in its wisdom, will start ruling that we're not allowed to have septic tanks anywhere on the Niagara Escarpment plan.

I believe that could happen, the way the Niagara Escarpment Commission rules things. They're the most undemocratic body I've ever had to deal with. They don't care about people, they really don't. They don't care about property rights. In this country of ours we should have more property rights, and they're being taken away from us every day, and the Niagara Escarpment Commission is one of the bodies doing that, especially in our riding. I'm really concerned that they'll turn around and start saying that now the septic systems will have to be removed, that there'll be no more granted.

I know that on Monday the Minister of Environment and Energy is going to announce the new plans for the Niagara Escarpment Commission, which I am really upset about, because it doesn't give us a chance in the House to even debate them, which I think is most undemocratic. We should have had a chance in this House to stand up here and say whether we agree with the new rules he's going to put on the Niagara Escarpment Commission. I'd like to challenge that too. The minister's going to announce changes to the plan on Monday, but I think those changes have to come through the House before they're legal, so I'm sure there will be some legal challenges when they're announced.

The problem with that is that they're going to give the commission more power, as this bill does, and that's a body that doesn't need more power. They need to have power taken away from them. I will say that some of the members on the commission from Grey have done a good job, even some of the ones from Bruce, but overall they're the most undemocratic body that has ever been put in place in this province, and the sooner they're gone, the better.

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Mr Anthony Perruzza (Downsview): They're waiting for you outside, Billy.

Mr Murdoch: The member tells me they're waiting for me outside.

The Chair: The member for Downsview, you don't have the floor.

Mr Murdoch: Thank you, Mr Chairman.

That's why I feel I could live with this bill if the member would approve my amendment. I'm hoping he will. I'm sure he will tell me why he wanted to include my county and my region and my area in this same bill. I'm sure he will explain that, if he can't approve this amendment.

I don't think it's right that if they have a problem in Halton, they need to put more problems on us in Grey. That's the whole problem with what's gone on in the Niagara Escarpment Commission. We have people

coming from Niagara Falls, Halton and other areas, telling the people what they can do in Grey and Bruce counties. That's part of the problem we have.

I hope the member will take into consideration what I have amended and that he will look favourably upon this. Maybe I'll have a chance to speak further on, Mr Chair. Right now, I will sit down.

Mr Duignan: There are a couple of points the member for Bruce-Grey raised. I've carefully studied his amendment, and I think we talked about this particular amendment in the public hearings as well. Unfortunately, I can't accept the member's amendment, because he also excludes the aggregate region, the aggregate places where people dig the gravel and get the limestone out of the Niagara Escarpment. In my particular region alone, we've got some 14 to 20 of those pits, and if you include the whole area of the Niagara Escarpment, you've got possibly hundreds.

I would point out to the honourable member the problem the landfill site in St Catharines has experienced, the leachate that comes from the limestone. It seeps. It's a porous rock. That's the problem with siting a landfill site on the Niagara Escarpment.

I'd remind the honourable member that amendment 52, which was approved by the cabinet in 1992, prohibits any new landfill sites at the present time, except my bill closes off a gap. Under amendment 52, you can go for a specific site amendment to amendment 52 to site a landfill site. My bill simply outright prohibits any landfill site being sited in the Niagara plan area.

I would also like to point out to the honourable member, where he has his land mass, 14.2% of it is made up of the Niagara Escarpment. In my area, nearly 23% of the land mass is made up of the Niagara Escarpment. As you know, Halton region spent 10 to 15 years looking for a new landfill site and managed to site it off the Niagara Escarpment area. It's not on the Niagara Escarpment or it's in the Niagara Escarpment plan area. In fact, if you look up and down the whole regions and municipalities along the Niagara Escarpment, you will see that there's no municipal council or regional government siting any landfill sites within the Niagara Escarpment plan area, except I'm not too sure about your particular area in Grey-Bruce.

I would like to also point out that my bill does allow for transfer stations or recycling facilities, including a composting site which receives waste only from the local municipality in which it's located, so my bill does allow that to happen within the Niagara Escarpment plan area.

Mr Murdoch: I appreciate the words from the member, but the first thing I must point out is that I'm from Grey-Owen Sound, not Grey-Bruce. Murray Elston might have some problems with that. He's Bruce county and I have Grey-Owen Sound, but I do speak about Bruce county because we have a lot in common with Bruce county and that's where a lot of the Niagara Escarpment area is. I forget the percentage which is part of Halton, but we have 35% of the total escarpment plan in our area, so if you're comparing Halton to Grey, you can't do that. That's comparing apples to oranges, because you're not near the size that Grey county is. We

have around 35% of the whole plan in our area, and that's quite a large amount, and quite a bit more of it will be in Bruce, so in our area we have a lot of the plan area.

I understand what you're saying, that your plan does allow for some of these things, but you probably—I don't know—haven't had a lot of experience with the Niagara Escarpment Commission. What you're doing is giving them more controls, and that's a commission that should have no controls. They're way out of control, is the problem, and they make up their own rules as they go along. That's the unfortunate thing. No one has ever clamped down on these people, and they need that. That's why I'm afraid to give them another bill and more control. They'll be worse than they ever were. I've brought up one instance. They won't let kids play soccer, because it isn't compatible with somebody walking along the escarpment. On that same property, they won't let a group called GRACE, for handicapped children to ride horses, go there now, because they'd have to put a washroom in and they said a washroom isn't compatible to the Niagara Escarpment.

With people like that on the commission, it's very dangerous to give them any more control, because they're out of control and unfortunately no one's putting a cap on them. This is why you can understand why I'm so upset about this bill, because it does give them more power.

I again say if you have a problem in your area—you talked about the aggregate area. Well, maybe you should have put in here "the natural and the aggregate area." We don't have a lot of aggregate area—we do have some and some more may be approved—but I was concerned about the natural area. If your concern was the aggregate area, maybe that's the way the bill should have read and I could have looked more favourably on it, but the way it is now, I can't.

As I say, giving this commission any more control is ludicrous, because they're out of control and should be done away with. There's just no doubt about it. The people locally could handle it much better, and if you didn't have the Niagara Escarpment Commission in place, your people back home could have handled this much more comfortably and probably got away with doing something about it and you wouldn't have to go through all this. But unfortunately, we do have this commission forced upon some of the people who didn't want it, and it's there and we'll have to live with it for the time being, but hopefully not too much longer.

Mr Duignan: I know the honourable member represents his constituents extremely well, and I try to do that too, but again I point out to the honourable member that Grey county makes up 14.2% of the land mass of the Niagara Escarpment Commission, Bruce makes up 7.1%, and Halton makes up some 23% of the land mass of the Niagara Escarpment Commission.

I know well the objections of the honourable member to the Niagara Escarpment Commission; he's well known for that. I take the opposite point of view in relation to the Niagara Escarpment Commission. As in any democracy, the honourable member is entitled to his views, the same as I'm entitled to my views. I'm afraid I do not share the member's views of the Niagara Escarpment

Commission at all. I think it's doing a good job. I think it's doing an excellent job. It's protecting an important biosphere that's unique to this province and to Canada, and that's something that needs to be done. That's something his party recognized and something the Liberal Party recognized and it's something our party recognized, and I believe all parties in the Legislature will continue to recognize that in the coming years.

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Mr Chris Stockwell (Etobicoke West): First, to correct the record for the member, I think he confused the land mass statistics. I believe those numbers you're quoting are the land mass of the amount of space the Niagara Escarpment takes up within the boundaries of that specific region. What the member spoke of is the amount of the Niagara Escarpment contained within his region as opposed to the amount of mass of land it takes up within the region.

I have a question. In subsection (2) it reads: "Despite subsection (1), no person shall use, operate, establish, alter, enlarge or extend...a waste disposal site in the Niagara Escarpment plan area as set out in the Niagara Escarpment plan, unless the director has issued a certificate of approval or a provisional certificate of approval before this subsection comes into force." What subsection are you speaking about coming into force?

Mr Duignan: I would understand that this particular bill and this particular subsection comes into force on receiving royal assent.

Mr Stockwell: But what you're saying here is "...unless the director has issued a certificate of approval or a provisional certificate of approval before this subsection comes into force." So you're saying "this subsection" being the entire bill?

Mr Duignan: I remind the honourable member that this particular bill amends the Environmental Protection Act in respect of the Niagara Escarpment, and what we're doing is amending section 27 of that particular act; it's a new subsection to that particular section of the act.

Mr Stockwell: The next question is with respect to the no-proceeding clause. "No proceeding directly or indirectly based upon the prohibition in subsection (2) may be brought against the crown in right of Ontario, the government of Ontario, any member of the executive council or any employee of the crown or government." Can you give me a specific example of why you brought that section into the bill?

Mr Duignan: If the honourable member reflects on the public hearings that took place on this bill earlier in the year, there—

Interjection.

The Chair: Order, please. The amendment is subsection 1(2), not 1(4). That's what we're debating. That's the motion Mr Murdoch has introduced. We're dealing with subsection 1(2). Any questions or comments on that section.

Mrs Margaret Marland (Mississauga South): Does the bill, as printed, in subsection 1(2), does it—

The Chair: Shall I read the motion again?

Mrs Marland: No, I'm familiar with the motion and I'm reading the bill as printed. I would like to ask the proponent of the bill whether that wording is protecting existing operations that have already had prior approvals for expansion. Is that what you meant in your answer to the member for Etobicoke about when it comes into force? If there's already a director's certificate, which is a certificate of approval, if that already exists for an expansion at a location prior to the date of the bill being proclaimed, then that certificate of approval has precedence over the proclamation of this bill?

Mr Duignan: No. The sites approved before this bill comes into force may be enlarged or extended only if this will not result in a greater area at a site being covered with waste than permitted under the existing approval. If you've already got approval for a particular site, this bill would not apply.

Mrs Marland: It's important to remind ourselves that although this bill has been on the order paper since June 10, 1992, which is more than two years now, we are still debating private members' business. It is a private member's bill. I am interested to know, through you, Mr Chair, to the proponent of the bill, whether the bill is totally supported by his government and—

The Chair: Mrs Marland, you're out of order. The motion is very clear, and I'll read it to you: "I move that subsection 1(2) of the bill be amended by striking out 'plan' in the fourth line and substituting 'natural'." That is the motion. That is what I will hear.

Mrs Marland: All right. Speaking to the motion, I will place the same question: Does the member have the support of his government, in particular the Minister of Environment, for the amendment or the section as printed without the amendment?

Mr Duignan: The honourable member for Mississauga South well knows that if I hadn't got the support of my colleagues here this evening, we would not be debating this bill in committee of the whole.

The Chair: On the amendment, on the amendment.

Mrs Marland: Mr Chair, you're quite pedantic, but I will speak to the amendment.

The Chair: Please reserve your comments.

Mrs Marland: Speaking to the amendment, I say to the member for Halton North, is that an affirmative answer, that you do have support for this amendment?

Mr Duignan: Again I point out, if I did not have the support of my colleagues, we would not be debating this bill in committee of the whole.

Mrs Marland: It's interesting, Mr Chair, that you're not making the member for Halton North answer the question on the amendment. He is not answering my question, but you're making me stick to the amendment. My question to the member for Halton North is, what is the position of your government, particularly the Minister of Environment, on the amendment? You've answered the question about the bill in a roundabout way. There are private members' bills that proceed to committee of the whole that do not have the support of the government. I'm simply trying to find out what the position of the government is on this bill.

I personally support the bill, and I actually have some difficulty with some of the comments that are made about the Niagara Escarpment Commission, but the point I'm making is that this is private members' business. In private members' business, I do not stand here and speak for the Progressive Conservative caucus, nor does anybody else stand here and speak on behalf of their caucus, neither the Liberals or the government, so it's interesting to ask you whether your government supports this amendment. If you don't have the answer, that's fair game. Just say you don't have the answer.

Mr Duignan: I stress again that the government's position is not at issue here. This is a private member's bill. Just as the honourable member has stated, when you do private members' business, you speak as a private member; you don't speak for the Tory caucus. When I'm speaking, it's a private member's bill. I do have support of my colleagues, and that's why this bill is being debated in committee of the whole tonight.

Mrs Marland: Now we're saying something different. Now we're saying, "I have support of my colleagues," and it's not a government bill, it's a private member's bill. So you're not saying the government supports it. It's certainly important for the public to know what the support is for this private member's bill. It's a very significant bill.

The Chair: Order, please. The member for Mississauga South, I will bring you back to order again, and I ask you to debate the motion. That is the question on the floor, that is the motion introduced on the floor, and I will read it again for you: "That subsection 1(2) of the bill be amended by striking out 'plan' in the fourth line and substituting 'natural'." That is the motion, and that's what I ask you to debate.

Mrs Marland: All right. Thank you, Mr Chair. I ask the proponent of the bill whether he supports the amendment the amendment on the floor, or does your government support it?

Mr Duignan: To the honourable member, I do not support the amendment that's on the floor.

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Mrs Marland: Is there anyone in the House who can speak on behalf of this government? I would like to know if the government supports the amendment, because I think it's very important. We're talking about a plan area or a natural area. There isn't any definition of "natural area" in the amendment, so I realize that makes it difficult. The member for Halton North says simply, "This bill wouldn't be here if the government didn't support it." If that's the case, I'm asking you, does your government support changing the word "plan" to "natural"? That's all, a simple question.

Mr Duignan: To the honourable member, I point out that that's not quite what I said. I said my colleagues support this bill, otherwise it would not be here to be debated in committee of the whole. I would point out that maybe the member has an excellent question to ask the Minister of Environment in tomorrow's question period.

The Chair: The member for Etobicoke West on the amendment introduced by Mr Murdoch.

Mr Stockwell: How many C of As or provisional C of As are within the plan area right now?

Mr Duignan: I don't have that information at this point.

Mr Stockwell: Would you know how many C of As or provisional C of As would be contained in the natural area, though, the escarpment?

Mr Duignan: No.

Mr Stockwell: Would the St Catharines site be contained within the plan part of the escarpment?

Mr Duignan: The St Catharines landfill site, I understand, is contained within the Niagara Escarpment plan area. If they have any C of As already granted, this bill would not include those C of As.

Mr Stockwell: I can read the bill, but what I'm trying to get nailed down is, how many certificates of approval or provisional certificates of approval are we speaking about here? Is it one? Is it 15? Is it 20? It's rather important.

Mr Duignan: I simply don't know.

Mr Stockwell: Well, how about this: Would there be any certificates of approval or provisional certificates of approval within the natural area, any at all that you can think of off the top of your head?

Mr Duignan: There are basically two I know of, and that's the one in St Catharines and that in Niagara. I'm not sure which others, if any. It doesn't matter, because they're not affected by this bill.

Mr Stockwell: Are there any certificates of approval or provisional certificates of approval in your riding contained within the plan?

Mr Duignan: As far as I know, no.

Mr Stockwell: None? Are there any applications within the plan area or the natural area within your riding?

Mr Duignan: There is an application for a private landfill site at the Acton quarry. I believe there's another application in front of the joint hearings board.

Mr Stockwell: The Acton quarry I know about. The other one, could you explain?

Mr Duignan: That's what I'm making reference to, the Acton quarry.

Mr Stockwell: So let's drive this home. This bill here is to deal with the Acton quarry site specifically within your riding and to ensure that site goes no further than it is now. Would that be a fair comment? Further, would that site fall within the natural boundaries of the Niagara Escarpment?

Mr Duignan: The Acton quarry is an old aggregate site, and this bill addresses the problem right along the Niagara Escarpment, not just in the Halton region but the problems that exist in the Niagara region, the St Catharines region, the Hamilton region and as you go up along the Niagara Escarpment.

Mr Stockwell: Maybe I'm cynical—I hate to think that—but I think the motivation for this bill brought by this member was specifically for the site in his riding. Some would suggest that's going out on a limb, but I

think I'll be comfortable there because I get the feeling that this piece of work was done by you for that site within the boundaries of your riding and you threw the rest in as an effort to more or less try and camouflage what the real goal is here. The real goal, in my opinion, is to stop the Acton quarry site, and I understand that you, as the elected member, are trying to do that.

So the question still stands with the amendment: Would the Acton quarry site fall within the boundaries of the natural area of the Niagara Escarpment?

Mr Duignan: The Acton quarry is an aggregate site, and I wouldn't want the member to be cynical at all. My bill addresses the problem that exists along the Niagara Escarpment, not just in the Halton region but indeed, as I said before, the problem we had with St Catharines and Niagara and Hamilton. The Steetley site's another example.

Mr Stockwell: That kind of statement would ring very true had this member not voted in favour of Bill 143. Since you voted in favour of Bill 143, I'm a little hard pressed to believe that you're a real environmentalist of any great purport because you are in fact expanding and developing landfill sites on farm land.

Mr Jim Wiseman (Durham West): That's not true.

Mr Stockwell: Good farm land, as a matter of fact.

Mr Wiseman: That's not true, either.

Mr Stockwell: I see you've got a friend up there, the member for Durham West: Dump Site West.

I understand what you're saying, that it wouldn't matter whether this Acton quarry was being developed in your riding. You're just an environmentalist at heart who happens to vote to expand landfill sites in Peel and in Durham and in York without so much as a second of public hearing—but a true environmentalist, no doubt.

The question still stands, though, and I would appreciate if you could send this out to your crackerjack staff and ask them if, under the definition of "natural area," the Acton quarry would fall within the natural area of the Niagara Escarpment.

Mr Duignan: It's an aggregate site. No, it's not in the natural area.

I want to talk about the support this bill has received from across the Niagara Escarpment. I'd like to point out to the honourable member some of the local municipalities that indeed support this bill: the town of Ancaster, the town of Caledon, Derby municipal council, the town of Halton Hills, the township of Mono, the town of Wiarton, the town of Oakville, the city of Burlington, the township of Collingwood, the corporation of the town of Dundas, the town of Milton, the township of Nottawasaga, the Halton region—I could go on and on. There's tremendous support.

The Second Deputy Chair (Mr Noble Villeneuve): The member must speak to the amendment. We are speaking to the amendment, please.

Mr Duignan: Sorry, Mr Speaker. I digressed a little, the same as the members across the way.

The Second Deputy Chair: Further debate?

Mr Murdoch: The member from Mississauga pointed

out that it's too bad there wasn't a definition of "natural area" and what we meant there. Being involved with the Niagara Escarpment as much as I am, maybe I should have done that. It's an oversight; it should have been there. But we've got to know what the natural area of the plan is.

The plan's made up of three different areas, basically. There is a recreational area in there, but the core of the plan is the natural area, and that's basically where the rockface of the Niagara Escarpment is, swamps, some of the wetlands, some of the ANSIs, all are in that natural area. That's the core of the plan.

Then beyond that, we have what we call the protected area. That was somebody's dream to stop any development that may come near the natural area, and in some cases the protected area should probably be natural area. The plan certainly was ill conceived and ill-drawn-up, no doubt about that, but it's there and we have to live with what's there right now until that's changed.

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Then beyond the protected, you have the rural area, which is another area where, when it was drawn up—I think people from the large urban places didn't want to go on the Bruce Trail, which meanders across a lot of the Niagara Escarpment area, and see somebody with maybe a new home or a new building, so they went beyond the "natural" and the "protected" and then out to the "rural." Actually, going way back, they went further than that, but they changed it back.

Basically, those are the three areas of the Niagara Escarpment plan. They do have another area in there, a recreational area which mainly is in the Collingwood area around the Blue Mountains, and then there is an aggregate area also. I assume the member from Halton is talking about that area.

My amendment went to the natural area, because I feel that area should be protected and we don't need garbage dumps or waste systems there, and there aren't any that I know of right now. Maybe the member from Halton could explain to us whereabouts this Acton quarry is. I said I wouldn't be involved in this if he was dealing with his own area, but now he's intruded into other areas, which upsets me and a lot of people from my riding. This is what this bill does.

It gives control to a commission that's out of control, that needs controls put on it, not giving it more power. This is exactly what this does. They will interpret it any way they want and they don't seem to have any boss that tells them what to do. They have a chairman who's way out of control, a chairman who should never have been put in there. She wants to control more than anything—everything. She doesn't want anything on the escarpment and in the area. She'll love this bill.

That's why I say we're really concerned about what they'll do about septic systems. They'll come up with some idea that maybe it's a waste disposal system and that they can't have any. I mean, we all know what the famous Sewell man did. It's hard to say what the Niagara Escarpment Commission is liable to come up with.

Just to show you something to tell you I know what

I'm talking about, there is no definition in the plan or in any of its writeups of what a farmer is. Mr Chair, you would have a tough time telling me exactly what a farmer is. They've come up with the idea it has to be somebody on the farm for 20 years, no ifs, ands or buts. They might have been there 10, they might have been there 30, but they have to be there at least 20 years to be called a farmer. I don't know where the commission got that idea. It wasn't in the plan. They just came up with that on their own, and that's how they make their decisions. Unfortunately, the hearing officers go along with them, but there's never been any amendment to the plan to do that.

When they get into this plan, they're liable to make all kinds of decisions and I'm really afraid we're going to be in trouble all over Ontario where the Niagara Escarpment plan runs through.

But getting back to what the member from Etobicoke was talking about, is the dump site on the natural area? I'm not sure whether it is in Halton or not, but maybe the member could explain exactly what portion of the Niagara Escarpment plan the Acton site is on.

Mr Duignan: The Acton quarry is actually on the brow of the escarpment around the town of Acton. It's an old quarry site, and they're actually still taking some aggregate out of the site before they move across the road.

Mrs Marland: In what area?

Mr Duignan: It's in the aggregate area.

The member raised the point regarding the sewerage. I point out to the member that section 26 of the EPA provides that part V does not apply to any sewerage works to which the Ontario Resources Act applies. That statute law has traditionally treated the regulation of sewerage as a separate matter from the regulation of waste. When the predecessor of part V was passed in 1969, sewerage was regulated under the Ontario Water Resources Act and the Public Health Act. This continued until the predecessor of part VIII came into force in 1974, transferring the regulation of sewerage systems from the Public Health Act to the Environmental Protection Act. It is clear that under 26, part V cannot apply to ordinary residential sewerage.

Mr Murdoch: That's nice rhetoric, but that's all it is. Obviously, you have never dealt with the Niagara Escarpment Commission. They don't listen to what laws you make down here whatsoever. Does what you just mentioned apply to Bill 143 also? I don't know.

I'm telling you, when you've got a commission that thinks it's a little body unto itself—you guys have made socialism a word in everybody's house in Ontario now. We didn't know what it was until you got in, but if you think you're bad, which most people do, you should try to deal with the commission. They're far worse than any socialist government we'll ever have here. They're worse than any communist government we've ever had in the world probably. They are. You may laugh about it, but you haven't had to deal with them.

The Second Deputy Chair: Could the honourable member please be careful.

Mr Murdoch: I'll be careful, but I'll also say what

I'd like to say about this group, because they are out of control, Mr Chairman. They certainly are. I'm not offending anyone here, and I think I can offend people out of here if I like. If they're offended by what I've said—it's true, and I'll stand by it any time anybody asks me.

I know we're talking about the first amendment. I don't know where we go from here, Mr Chair. I'll ask you. Do you want to vote on that amendment or do you want to go on to another amendment? We do have another amendment. Maybe we've talked this amendment out long enough. I've said what I feel about it. I hope they've changed their minds. I don't know whether they have or not, but I hope they've listened to it. It's unfortunate that none of those on the other side have dealt with the commission. I don't want to give them any more control. We could live with the "natural area."

I'm sure they're not driven by the loony tunes writer in the Globe and Mail named Valpy. He has no idea what's going on, and he thinks he has. He drives up into our area every weekend and thinks he knows all about it. Then he rambles on in the Globe and has no idea of what he's talking about and takes things out of context. And I'm sure he'll take a lot of this out of context, but that's fine, because that's what he seems to be able to do. Some people read him, I guess. I don't know who, but the odd person does read his articles.

Hon Frances Lankin (Minister of Economic Development and Trade): We'll send him a copy of Hansard and see if he gets it in context.

Mr Murdoch: I'm sure he will. I'm sure somebody on the other side will send him Hansard. That's fine. He has no idea what he's writing about most of the time anyway, so we'll let it go at that.

Would you like us to vote on the first amendment or do you want to stack it? Oh, Margaret would like to say something.

Mrs Marland: Mr Chairman, again I emphasize this is private members' business, so I am speaking as an individual. Whether or not we agree with some of the decisions, whether or not some individuals agree with some of the decisions of the Niagara Escarpment Commission, I think we should all remember, first of all, that they are volunteers. I don't think anybody can really stand and say that the chairman is way out of control or that they don't care about people or property rights or that the hearing officers are in bed with the commission. Those are all personal, individual comments that an individual in this House may say.

But I feel it's important to say that maybe some of the parameters that were established originally when the Niagara Escarpment Commission was established need to be reviewed. As a matter of fact, even the member for Grey-Owen Sound made a reference to the fact that—in fact I wrote it down. He said, "In some cases the protected area should be in the natural area." What I hear the member for Grey-Owen Sound saying is that maybe there should be a review of the plan area.

Maybe there's a time for the control area of the Niagara Escarpment Commission to be reviewed. If that

review were to take place, we may find changes in alignments, we may find some major changes in what is defined as natural, protected or rural. If the member for Halton North is saying that the Acton quarry site is in the aggregate area, that's another area again.

I feel that if a commission is making a decision that prohibits washrooms for disabled children who could otherwise go horseback riding in a natural resource like the escarpment area, I too would have concerns about that, but that's only one item; it's probably one decision of maybe a few people. But the point is that for the most part, the Niagara Escarpment Commission works. For the most part, they've tried to do a job as volunteers.

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As we talk about the bill, I think we would all be better served if we got away from attacking the individual personalities. I don't even know the chairman, so I'm not defending someone I know, but I regret some of the words that have been used here. If the public generally thinks there's a problem with hearing officers fulfilling the mandate of the Niagara Escarpment Commission, there is a way to deal with that.

But to get back to dealing with the bill, it's important that we all understand, when this bill is passed, what it says. My questions have been based on two points. One is that it is a private member's bill. I'm not particularly interested in spending a lot of time on a private member's bill if it isn't going to be passed by the government, because the government has the majority in this House. I may think it's a great bill, the member for Halton North may think it's a great bill and there may be people in the Liberal caucus who think it's a great bill, but it won't pass unless the government supports the intent of the bill. Then of course we come down to the question about why it is not a government bill. We always have this problem with private members' bills.

But since the amendment is amending the words Niagara Escarpment "plan" area to "natural" area, I have to know, if this amendment fails, what the proponent of the bill can describe for me as the existing escarpment plan area, not in geographic terms but in technical terms.

Mr Duignan: I myself was indeed concerned about a couple of remarks made about the Niagara Escarpment Commission. The office of the Niagara Escarpment Commission is sited in Georgetown in my riding, and yes, I do have dealings with the Niagara Escarpment Commission. I have found them a very reasonable bunch of people. They've always dealt fairly with me and I'm sure they always deal fairly with most members who have inquiries to the NEC. In large part they are volunteers, and they do a reasonable and a good job given some very difficult circumstances.

To the honourable member for Mississauga South, the bill will protect the entire Niagara Escarpment plan area. That's everything that's included in the plan area of the Niagara Escarpment as defined in that act.

Mr Murdoch: It shows the diversity of the Conservative Party, because we do have a member who stands and supports the Niagara Escarpment Commission. There is no Niagara Escarpment area in her riding, and unfortu-

nately she doesn't understand, but that's fine, it's her opinion. We allow her to have that opinion and I'm allowed to have mine. But I want to tell you quite clearly that they are out of control. They are in my area and I do know about it. They are paid. They're not volunteers, that's for sure. We spend over \$5 million a year on this commission, which we don't need to do, which could be put into other things.

I'm sorry the member has been led astray, but that's fine, she has a right to say what she feels about it. But sometimes I think members should live in the area where the escarpment is and maybe they would understand it a little better.

Mr James J. Bradley (St Catharines): I'm of course rising to speak to the amendment, but also to defend the member for Mississauga South and the comments she has made about the Niagara Escarpment Commission. I have always respected her point of view on environmental issues. She was the Environment critic for the Progressive Conservative Party and, I was under the impression, speaking for the whole party at the time she was making this representation—

Mr Murdoch: If it wasn't for you, Bradley, we wouldn't be in this mess. You had a chance to clean it up and you didn't clean it up.

The Second Deputy Chair: Order, please.

Mr Murdoch: You screwed up the whole thing, Bradley, and you know that. You had three years to straighten it up and you didn't do it.

The Second Deputy Chair: Order. The member for Grey-Owen Sound will have his opportunity.

Mr Bradley: I am quite delighted to have the opportunity to speak about the Niagara Escarpment Commission's role in this and the very significant role it has made in protecting a very unique and beneficial base of land in our province.

When the Progressive Conservative government of William Davis established the Niagara Escarpment Commission in the 1970s, it did so, I believe, because it was under the impression—Mr Sterling, the member for Carleton, was the resources development minister at that time, and I remember his strong commitment to the establishment of the Niagara Escarpment Commission and what it would mean for the protection of this unique piece of land. So I think it's important that we, as legislators from three parties, indicate our support for that kind of preservation.

The United Nations has designated this particular area as significant globally because of its uniqueness, because it is something we can point to with a good deal of pride. I have been to other jurisdictions, specifically in the United States, where such protection has not taken place and there is commercialism throughout. That is good for the fast dollar to be made, and I suppose those who like all kinds of development on this kind of land are quite delighted with it. It certainly does not meet my image of what Premier Davis was looking for when he established the Niagara Escarpment Commission and what subsequent governments have endeavoured to do with it.

There have been a number of representatives appointed

by the three different governments over the years who have I think endeavoured to speak in a rather independent and objective way about matters that come before the Niagara Escarpment Commission. Just as the member for Mississauga South has expressed her appreciation to those who have served, I would like to join in doing that as well.

I take it as a compliment when I hear that I had three years to, as a member of a government, fix the problem, so-called; to, I guess, open the Niagara Escarpment to development. I am very pleased that despite a good deal of pressure that was out there from the development industry, we were able to restrain ourselves from allowing that to happen despite the many pitches that were made in those days. I appreciate the viewpoint of everyone who has parts of the Niagara Escarpment Commission in their ridings.

I know the member from Grey has very strong feelings about it. I do not necessarily agree with those feelings, but I know he resides there and he has certainly conversed with many of the people in the area. I was rather amused to hear him earlier this evening attacking Michael Valpy of the Globe and Mail about some of the columns he had written about the Niagara Escarpment Commission. Mr Valpy was particularly concerned about the number of severances which were granted by municipal governments in that particular area. The Ontario government, under the NDP, took action to ensure that kind of activity would at least be halted and that there would be a pause to look at what would be most beneficial.

I do not share the same fear as some members of the House about the Niagara Escarpment Commission. I hope it will continue to exist. It must always be examined, it must always be subject to public review, and I think everyone recognizes that. But it's important that we recognize, and I'm one who's happy to compliment, other governments for activities they undertake. I certainly compliment Premier Davis and Mr Norm Sterling, who was the resources development minister in the Progressive Conservative government at that time, as well as subsequent ministers and present ministers who have responsibility for the Niagara Escarpment Commission.

This is something unique to Ontario. This is something of which people of all political parties can be justifiably proud, and I hope we retain it as a source of pride in this province.

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Mr Murdoch: I'm sure I should take a little time to explain what's happened here. I mentioned that the former minister had a chance to solve some problems. The former minister from the Liberal Party failed to point out that he had a chance to solve some of the problems and he didn't do it in the three years of his mandate. The problems were still there, left for the present government; it hasn't done anything either. When you take away people's property rights without any compensation, there's something wrong with that. What that shows you is that the Liberals were no better than the NDP. They had a chance to do something and they didn't.

I'll be the first to admit that the Conservatives made a mistake when they did this, but no one's perfect. But

what happened was that it was never law until the Liberals took over for the three years they had, and they didn't change anything.

I must point out too that there has been a five-year review. The member for Mississauga South said there maybe should be reviews from time to time. They've just completed a five-year review. The unfortunate part is that the Minister of Environment has decided to release the review next week, and we assume the House will adjourn on time. So he's not even going to give us a chance in this House to say, "Yes, we like what you're going to do," or, "No, we don't."

I'm not too excited about what he's going to do. We did see that there was a commission that went around and looked into it, and then they allowed the commission itself to write its own report. When we look at what the minister has come up with so far it looks like he just agreed with the Niagara Escarpment Commission, not the task force he sent out. Typical of this government, they don't listen anyway. The task force went out and said the commission did not listen to the people's concerns and that it was arrogant and should be reined in. Nothing is being said about that by this Minister of Environment.

To the former minister, he had a chance to do something and unfortunately he didn't, and hopefully the next government will do something.

Mr Chair, do you want us to vote on my amendment?

The Second Deputy Chair: Do we have further debate on Mr Murdoch's amendment? We are now dealing with Mr Murdoch's amendment, which reads as follows:

Mr Murdoch moves that subsection 1(2) of the bill be amended by striking out "plan" in the fourth line and substituting "natural".

All those in favour of the amendment, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it. I declare the amendment lost.

Further amendments to section 1?

Mr Stockwell: You have my amendment to subsection 1(4). I move that subsection 1(4) of the bill be struck out and the following substituted:

"Compensation

"(4) The Ministry of Environment and Energy shall provide compensation to any individuals or corporations who experience economic loss as a result of the application of this act."

The Second Deputy Chair: I have to rule on this amendment. It pertains to section 56 of the standing orders, which reads as follows:

"Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the crown."

We are dealing with a money amendment, which has to be ruled out of order.

Mr Stockwell: Hold it, Mr Chair. You're ruling this out of order because of section 4 of the bill. The dilemma I have—

The Second Deputy Chair: It's a money amendment. It involves money.

Mr Stockwell: It's only a money amendment because it's the money portion of the bill. It's only before us today because the bill itself deals with a money issue. You're ruling it out of order, but the bill itself has monetary concerns attached to it. I'm asking you as Chair, how can you rule it out of order when the bill itself is dealing with a monetary issue?

The Second Deputy Chair: Even if it were a tax bill, it is involving a non-cabinet minister involving a monetary expenditure and therefore must be ruled out of order.

Mr Stockwell: Mr Chair, I will accept most rulings—

The Second Deputy Chair: I will listen for a short time.

Mr Stockwell: Mr Chair, I want you to listen for a short time.

Mr Wayne Lessard (Windsor-Walkerville): Are you challenging the Chair or what?

Mr Stockwell: Wayne, I may get to that stage. Just keep your shorts on. It may get exciting.

The question I'm putting to you, Mr Chair, is that you're ruling this out of order because you're ruling it's a money issue. If the subsection in this bill didn't exist, weren't here, I wouldn't need this amendment so therefore natural law would progress. Would you then rule the entire bill out of order because it was a money issue?

The Second Deputy Chair: The bill itself does not involve an expenditure. I will repeat section 56, under "Financial Procedures":

"Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the crown."

It involves the spending of public funds. I cannot entertain any further debate.

Mr Stockwell: Mr Chair, I would like you to explain your ruling. You've read what it is that my amendment does. Explain your ruling.

The Second Deputy Chair: It's involving the expenditure.

Mr Stockwell: Explain the specific expenditure. What is the specific expenditure?

The Second Deputy Chair: Compensation to individuals.

Mr Stockwell: It's not compensation to individuals, Mr Chair. There's no compensation here.

The Second Deputy Chair: Order. It is involving public expenditure, and there is a ruling.

Mr Stockwell: There's no public expenditure. There's not a dollar sign attached to this amendment. There's no compensation with this amendment, none whatsoever. Explain to me the specific expenditure on this.

The Second Deputy Chair: A ruling has been made. We cannot proceed any further with this discussion.

Mr Stockwell: Mr Chair, on a point of personal privilege: This is really offensive, that this government has the nerve to do what it is doing. What this bill does is say, "Regardless of how badly we treat a company, regardless of how badly we've treated a company and ripped it off for the money it's invested, whether this bill usurps any possibility of recouping that, we will not under any circumstances allow you to sue us through the courts to prove your case." That's what this bill says. All I'm asking, Mr Chair, is that they withdraw that and allow any company that can go ahead and sue—

The Second Deputy Chair: Order.

Mr Murdoch: Mr Chair, on a point of privilege: In this House, we make many deals. What happens in this House? We agreed we would not go on with this bill all night and we agreed we would let it come back. Now you're telling us our amendments are out of order, and we've never been informed of that at all. I don't understand what's going on down there.

The Second Deputy Chair: Order. A ruling has been given. We cannot deal with public expenditure in private members'. We are now moving on.

On a point?

Mr Stockwell: No. I'm just going to amend. I move that subsection 1(4) of the bill be struck out. That's what I'll move.

The Second Deputy Chair: That is in order.

Mr Stockwell: Now I get to say my piece. This is a government, and a member specifically, that has gone ahead on a piece of legislation. If a member or a government wants to pass a piece of legislation and they have a majority in this House, so be it. If you think this is in the best interests of the people of the province of Ontario, so be it. If you think as a government that this kind of legislation is the kind of legislation that we should be adopting today to protect residents of Ontario, so be it.

But, Mr Chair, through you specifically to the member who brought this forward and to the government members, I look to you and ask you where the fairness is in a piece of legislation that has allowed a company, the Acton quarry company, to spend millions and millions and millions of its dollars, through a process that you have allowed it to do, that you have said is fair and reasonable, that is within the guidelines and rules set down by your government, I say to the member across the floor, and then at the 11th hour, you come up with a bill that says: "What you've been doing, that is totally legal and that you've spent millions of dollars on, we will not allow, and further to that, you can't sue us for losses, even though we've acted totally arbitrarily, without prior notice and with no fairness at all. We can still see you go down the drain for millions and millions of dollars, although you have lived within the rules that we set down and said you should live within."

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I ask the member opposite, where's the fairness? Where's the equity? Where's the truth in dealing with private sector companies when you put that kind of

amendment in a bill that said, "Regardless of how badly we treat you, how badly we mislead you, and how much money we cost you, you can't sue us"? Where's the fairness?

Interjection: No answer.

Mr Stockwell: What does that mean, "No answer," that you're not going to answer it? That's fundamental. That's democracy. That's what we're here protecting, for heaven's sake, people's right to carry on business within the law and knowing full well that a government won't clamp down seven or eight or 10 years later and rip them off for millions and millions of dollars. What do you mean, you don't have an answer for that? What about the investment, the cost? For your political career, you cost these people millions and millions of dollars, and you can't even dignify them with an answer, to defend that kind of subsection? What's your response?

Mr Duignan: To the honourable member, where's the fairness, where's the process for the people of Halton? Where's the fairness of the process for people up and down the Niagara Escarpment who have fought landfill sites on the Niagara Escarpment for years and years and years against big money? Where's their compensation? I don't see you standing up in your place fighting for the ordinary people of the province. All you're interested in is the big multinational companies. They took the risk—

Mr Stockwell: What risk?

Mr Duignan: —their decision, their risk. They made that decision, and there's absolutely no guarantee when they take that risk that they'll get what they want in the end. It's an ordinary business risk.

Applause.

Mr Stockwell: If they're going to get applause for that kind of response, that they took the risk—they fought through normal, legal channels. If you didn't like how the fight was going, you should have changed the laws. If you didn't like what they were doing, you change the laws and not allow them to do it. If you're not prepared to do that, you fight them at every turn.

All they were doing was fighting within the laws that you, as government, set down. So they went ahead and had this fight with the people of Halton, I agree, and maybe they had to fight on a couple of occasions, but they still did it within the law and they still were going for an environmental assessment review, which is what the law states. If you didn't like it, change the law.

You've come forward to change the law, which I am saying you're full value for, to protect your constituents. Go ahead, change the law. That's what you've done. There can be give and take and disagreement all along the way, but as government, you can decide: "We don't like the law as it sits. We insist on changing the law." I'm not going to argue that point. You can do it.

But to make the argument at the end of the day that it's a loss of doing business is absolutely insane. It's not a loss of doing business. They were operating within the law of the land, and when you're operating within the law of the land, no one would expect the government to close down your operation, cost you millions and millions and millions of dollars and put at the bottom of their

four-paragraph piece of legislation a clause that says, "Nobody can sue the province no matter how badly we treat you."

Mr Murdoch: Does the member from Halton have nothing to say about this? How can he sit there and hide behind this? Can you not explain that? If you're going to make a mistake and you want to make a law, which you can do, can you not stand on your own two feet, rather than putting a clause like this in here, saying, "Well, we may be wrong, so if we're wrong we can't be sued?" What kind of democracy is that? There is no democracy left when you start doing something like that. I can't believe you could stand up and condone that.

If you want to look after your people and you want to bring in a law that says that, that's fine, but if you're wrong and a company has spent money up to this date, you have to compensate them. That's the same kind of mentality as what you do on the Niagara Escarpment all over. You take land without compensation. Now you're putting a company under without any compensation, and if you're wrong, "Well, we don't have to stand up for it, because it's the law that you can't do anything about it."

What kind of government have we come to? Where have we come to in this country when the government of the day can make laws, even though they're right or wrong, and if they're wrong: "So what? You can't sue us." You have to have something to say about that. You can't just stand up and say, "We're looking after everybody along the escarpment, all the poor people." It doesn't matter. These people could have been poor too. Who knows?

Mr Stockwell: Maybe they are now.

Mr Murdoch: And they may be now. They have a right to take you to court, they should have that right, but by you putting in that clause, they don't have. Are you going to do that with every other bill? Bill 91 isn't finished yet. Are you going to put in there that the farmers can't take you to court because you unionize all the family farms? Is that your next point? You might as well because you're starting with it here. It's a great thing to start with, people. I think you should get up and explain yourself somewhere along the line.

Mr David Turnbull (York Mills): I hadn't intended to participate in any of this discussion, but I am desperately disappointed when the member who brings forward a private member's bill refuses to utter one word of defence on a very, very legitimate question, something which is of a very serious nature and has the potential for putting people into bankruptcy. The government brings forward a bill in the guise of a private member's bill and the member who's brought it forward hasn't even got the guts to stand up and defend what they're saying.

Mr Duignan: I rise to the challenge. If he had been here earlier, he would have heard me defend my position. At the public hearings this particular company was at, they said "their decision, their risk," which they said they take, and they said that at the public hearings. I haven't heard one of you people state, what about the risk and the dollars and the time spent by the citizens, by the region, by the municipalities on this issue? What about their risk? What about their rights? I haven't heard you

defend them. When are you going to defend their rights?

Mr Stockwell: These people's rights are being defended as we sit here today. This bill and legislation that you say has the support of your colleagues will for ever defend the rights of the people of this area, for ever. Their rights are permanently defended.

The rights of these people were defended through the courts and systems that you set in place and the people like us in the province of Ontario set in place over the years. Their rights as citizens are no different from the rights my citizens have or the citizens of Durham, for a landfill site, or York, for a landfill site that you're expanding, or Peel, for a landfill site you're expanding there as well. These citizens are no different from any of those citizens and their rights have been defended and paid for by tax dollars that have been spent, paid for by the taxes of people in that constituency. Ultimately, I say to the member, your bill that is supposed to pass will for ever defend their rights.

I say to the member across the floor, I will stand in my place and understand the democratic process. I don't believe it's an acceptable way to do planning in this province, to bring in pieces of legislation that exclude sections of this province from landfill sites. I don't think that's the way to do business in this province. Why? Because I think you'll end up with 130 private members' bills saying, "There's a good reason why you should exclude my neighbourhood, my community and my constituency from a landfill site." I fundamentally believe in a process that's put in place that measures all sites equally and they go through what I always thought was the environmental assessment review. I believe in that.

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This particular piece of legislation doesn't buy into that. It says everybody's treated equally except Noel's riding and a little bit of area around Noel's riding. Why? Because he's got a landfill site that's potentially going to go in there if it gets through the environmental assessment review.

If you all believe that's the planning process that we should adopt in this province for landfill sites, then go ahead and support this legislation. You're going to have 130 of these private members' bills coming in, because I know every constituency in this province thinks there's some distinctive part about their neighbourhood that makes it unacceptable and unusable as a landfill site.

Mr Member, you've got the government, you have the colleagues, and you'll win the day. But the insulting part is that there is a company that has been going along under the controls of all the legislation that has been brought forward for opening landfill sites. They have lived within the requirements set down by three separate governments. They have brought their applications forward, not breaking any laws in bringing them forward.

I understand that they won't open their site. I accept the fact that the government and his colleagues can change that. What I don't accept is that in part of the body of this bill, it's okay to change that and say, "Even though you've suffered economic loss, even though we've changed the rules partway down the road, even

though the goalposts have been moved, you have no right for compensation from this government, regardless of our decisions." That's patently unfair, undemocratic and, in my opinion, unworthy of any government in this province. I can't stand that clause. I can't stand it.

If you're right, fight them in court, prove them wrong. And if you're wrong, hang your head in shame, because potentially—I don't know—but very potentially, with the millions and millions of dollars that you have to invest to open up a landfill site, you could be bankrupting individuals personally, collectively and in business, bankrupting them for millions of dollars because you included this clause—not just them, but their children and their families are broke, bankrupted. If you think you're right, fight it in court. If you're wrong, compensate them. But don't change the rules halfway through the game, because people can't survive.

Mr Turnbull: Not only do I agree with the comments of my colleague, the member for Etobicoke West, but I would also remind the government of the fact that this is a government that has on many occasions suggested that it wants the message to go out that Ontario is open for business and that it wants partnership and participation with the private sector.

This is not a message you send out to encourage private sector participation. Companies around the world look at the risk that's involved in doing business in a given administration, and when they see that a government can say, "Notwithstanding all the laws we have in place over the years, and you've participated in a process within the framework of that law, we're going to go back and simply say you've got no right to sue us," that is patently wrong. It sends out the worst message. You know something? If you're sitting in Düsseldorf—you're not a Canadian, you're not a Ontarian, you're a foreign investor—and you consider investing in some place in the world, I don't think you're going to invest in Ontario if that's the way the Ontario government treats you. If you simply move the goalposts, and at any time, any of the money one has spent may be absolutely trashed, it is a very serious message you send out. Don't underestimate what you're doing.

Mr Robert V. Callahan (Brampton South): I was looking at the original Bill 62, which didn't contain that provision. I've been listening to the debate, and it seems to me that it strikes at the very heart of fairness in that it says to the people of Ontario—

Hon Brian A. Charlton (Government House Leader): Members of your caucus supported the amendment.

Mr Callahan: What the House leader says may be the case, but it seems to me that this sends out a message that any time this government gets itself into trouble because of mismanagement or not knowing how to run the government, it'll simply bring in this magical phrase, "You can't sue us."

That gives a very bad message to the people of this province, particularly people who are investing their money in terms of entrepreneurial activities. It certainly makes it very difficult in terms of being able to come to this province and feel that you're going to be safe and

able to take risks and not have a government that's just going to stamp its heel on you.

Historically, the Magna Carta was the direct result of the authority of the day, the king, trying to run the operation on the basis of how he got up in the morning. That's what this government seems to be doing.

I go back to the basement apartments, Bill 120, where this government retroactively legalized basement apartments within single-family areas. That again is scary. That means no one can make plans in this province and count on them being objectively and fairly dealt with while this government continues to be in power.

The Minister of Housing over there sighs and makes that look like that's silly. I'll tell you, a lot of people in my riding are terribly upset about what you did with Bill 120. You took a single-family area where they lived, where they had paid taxes for years on the single-family rate, had bought in at the price of a single-family rate, and the swoop of a pen by this government, which seems to think it can put the heel of pressure on anybody because it has the power to do it, could simply take that away. Madam Minister of Housing, I wouldn't be terribly proud about that particular bill.

In any event, I think the point that's being made is the amendment. I think it's very unfair, I think it's a dangerous precedent, and this government may very well try to correct other bills it's brought forward which are imperfect or arose out of mismanagement and try to use that type of power. It's unfair.

Mrs Marland: Mr Chair, could I ask, through you to the proponent of the bill, if this subsection 1(4) was in his original bill?

Mr Duignan: It wasn't in the original bill. It was in the amended bill that was approved by a nine-to-two vote of the committee.

Mrs Marland: Did you draft the original bill, or did you give direction to have the original bill drafted and what it would contain?

Mr Duignan: As the member knows, I gave direction to legislative counsel to draft the original bill.

Mrs Marland: And the original bill did not contain this subsection (4), so I'm wondering if the proponent of the bill could explain why this amendment was added.

Mr Duignan: With some assistance from the Ministry of Environment and Energy, they helped draft the amended bill based on an legal opinion submitted to the standing committee on administration of justice, I believe on February 17 of this year.

Mrs Marland: Is the member saying this amendment was drafted by the legal services branch of the Ministry of Environment? Who exactly drafted it? After you answer that question, could you explain what is the justification or what was the argument? When you placed the amendment in committee, what was your argument for this amendment?

Mr Duignan: That particular amendment was drafted by the MOEE, and it was based on legal opinion from the Ministry of Environment and Energy, dated February 16, and was submitted to all members of the committee.

Mr Callahan: Why didn't they have that opinion before they drew the bill?

Mr Duignan: If the member for Brampton South was on the committee, he would have joined his colleagues in voting for the amended bill with this clause in it.

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Mrs Marland: I would appreciate it if the member for Halton North would address his comments to my questions, because I was not a member of the justice committee and did not have any input into this bill at any stage. So it was a legal opinion from the MOEE that necessitated the drafting of this amendment and therefore you're placing it?

Mr Duignan: That's correct. The legal opinion from MOEE, and the counsel and the committee basically drafted it from that point on.

Mrs Marland: Was there any discussion about a wording of this amendment that would make this amendment apply or come into force the day the bill receives royal assent to projects—in other words, to make it a little more fair that it would come into full force the day the bill was proclaimed for any applications in the future, because what you're saying here in 1(2) is that existing operations that have the director's certificate of approval before the bill comes into force are exempt.

So I'm simply asking you why you changed the rules when you brought this amendment in, because unless we're not understanding this amendment fully—and, Mr Chair, the other frustration is that, dealing with a private member's bill, we can't ask the ministry questions, we can't ask legal services questions, we can't have somebody sitting down here who can give us the technical answers. We have to rely on the member for Halton North's answers, and of course, once this bill becomes law, the people who will answer to the bill are not the member for Halton North. It is the Ministry of Environment, because it's the Environmental Protection Act. It's their legal services branch. That's who will be in the courts defending the wording of this bill.

I recognize that legal counsel drafted it, but I'm simply asking why in 1(2) you would have said that it would apply to everything except those that currently have an order or a certificate of approval, and yet in 1(4), it's reading for any proceeding. If I'm not interpreting it correctly, perhaps you can explain it.

Mr Duignan: Again, to the member for Mississauga South, my bill is very specific and to the fact that if you've already got a certificate of approval, then this bill does not apply. If you do not have a certificate of approval, then this bill would apply and all amendments and all parts of the bill would apply.

Mrs Marland: Subsection 1(4) says, "No proceeding directly or indirectly based upon the prohibition in subsection (2) may be brought against the crown in right of Ontario, the government of Ontario, any member of the executive council or any employee of the crown or government."

Are you telling us that will not apply to any existing operation that has been issued a certificate of approval or provisional certificate of approval?

Mr Duignan: That's indeed correct. If you've got a certificate of approval, this doesn't apply.

Mrs Marland: Or a provisional certificate of approval?

Mr Duignan: Yes.

Mrs Marland: All right. Could you give us an example of any other precedents for this kind of blanket waiver of a government's liability in terms of any other legislation? I support the bill and I've said that, but I have difficulty with this amendment.

I guess I'll wait till you get back to your chair. If the member for Lambton thinks this is amusing, I hope she doesn't have to pay the thousands of dollars of lawyers' bills that may still involve a challenge to this amendment in the courts.

I simply ask you what the precedent is, in law, with other statutes in this province that completely waive the government of any liability or any action against it.

Mr Duignan: To the member for Mississauga South, this is not precedent-setting, I understand. This type of amendment is in other statutes as well.

Mr Callahan: Does this mean that if the people of Bolton, who are in my area, had the ear of the government they could, through the use of the Legislature, eliminate Bolton as a site and eliminate the possibility of whoever is putting that site in place, in terms of them being able to sue for damages?

I understand the Niagara Escarpment is a special place, but it seems to me that it flies in the face of total equity, fairness, as I always thought this province operated on, to allow a government that has a majority to effectively say: "We don't care what you've done to this point; you're out of the ball game. You can't sue us for it, so just take your ball and bat and go home."

I understand what you're trying to do and I understand you're trying to protect a very natural environment, a very important environment area of our province, but I suggest that this government by doing it is creating a scenario that will reverberate across this province.

It may very well tell businessmen that this is the way this New Democratic government looks in terms of fairness, in terms of attracting your business to this province, that if it doesn't like the way you operate or it doesn't like the deal it made with you, that it'll bring in what I think will become a precedent-setting rule. It will probably be called either one of two things: It will either be called the subsection 27(4) rule or it will be called the Noel Duignan—I can never get your last name right—or it will be called the member for Halton's rule.

I have to say to you that I think people out there who are watching this whole process should understand that what we're seeing here tonight enacted, if this amendment is passed, is saying to people that it doesn't matter how you plan, it doesn't matter how you invest, it doesn't matter how you determine your affairs; you cannot be sure until you've actually got the whole thing signed, sealed and delivered, and even then it doesn't necessarily mean that you're home free, because this government has used a process throughout and will continue to use a process throughout that will stop you from using any

methods that are available to all Ontarians to at least get compensation.

It's always been a process, as far as I know, that if a person is wronged and suffers damages, he or she has a right to recover those damages. I'm suggesting that that should be no different simply because a government of whatever political stripe has sufficient majority to be able to say, "Tough; you haven't got it." That to me will make politics even more cynical than it is now, because people will be saying to themselves that there is just no justice. If the Legislature of Ontario or for that matter if the Parliament of Canada were trying to do this, that they in fact are ultimate, supreme in terms of their—

Interjections.

The Second Deputy Chair: Order, please.

Mr Callahan: It means that the Legislature of the province of Ontario or the Parliament of Canada has the power, and they do have the power—don't let anybody be fooled about this—to do this. There's no question about that. The question is whether or not it is equitable. Is it fair? Does it send out a message to the businessmen coming to this province that if they offend or don't quite set the same political agenda as the government of the day, this type of legislation will be put in place to try to stop them from recovering damages?

That to me is a dangerous precedent, one that, even though we have the power to do it, should be used on a very rare occasion. It's almost akin to trying to kill a fly with an elephant's hoof. It's got a very bad aroma, a bad feeling. As much as I'm sure I and my caucus support the legislation itself, I certainly, and I can't say the others, have some concerns about the fairness, and I think the message this sends out is a very bad one.

2050

Mrs Marland: I would like to ask the member for Halton North if he will give a specific example of other statutes in this province that have a similar waiver. It's not good enough for you to stand up and say, "Yes, there are other laws." I think with all the staff you have under the press gallery, sitting waiting at your beck and call to give you the information, you should be able to get an answer to that question. I think in fairness, if you can't answer the question, then we'd better adjourn the debate until you can get the information.

I ask you again, this subsection 1(4) of the bill: I would like to know where else there are other provincial statutes that have that kind of absolute waiver that doesn't even permit a proceeding to go to court.

Mr Duignan: As I said, this is not precedent-setting. Indeed, it appears in other statutes. I don't have a particular statute here at this particular time, but I do have a letter from Mike Harris, and the members of the Tory caucus may be interested to hear what a paragraph of that particular letter says:

"Unfortunately, the Rae government has turned down our request on your behalf to act expeditiously on Bill 62. Instead, they would rather mislead the public and put the escarpment at risk in order to score cheap political points. Sadly, it seems, there's no level to which these accidents of history won't stoop."

"Please be assured I will continue to press for speedy action on Bill 62, and thank you again for sharing your thoughts with us."

I wonder now who's misleading whom; in fact, who is scoring cheap political points here.

Interjections.

The Second Deputy Chair: Order.

Mrs Marland: I hope the member is not leaving. I would say in response to the member for Halton North that I don't have any difficulty with my leader's letter. I've already said that I support this bill, but I do have concern with this bill, as amended. What I would like to ask the member for Halton North—and I guess maybe I'll have to wait until he gets back to his seat in order to ask the question.

This amendment is very interesting, because this bill is dealing with the Niagara Escarpment plan area and therefore the execution of this bill falls—well, maybe I'd better ask the proponent this question so that I don't presume anything. Would you agree that the execution of this bill will fall in the legal jurisdiction of the Niagara Escarpment Commission?

Mr Duignan: Again, this bill amends the Environmental Protection Act in respect of the Niagara Escarpment, and I suspect that the member is correct.

Mrs Marland: Thank you very much for your answer. So the execution and the application of this bill on all lands within the Niagara Escarpment plan will fall to the Niagara Escarpment Commission, which for the most part—I think maybe the board chairman has an honorarium but the rest of the board members are volunteers.

Mr Murdoch: No, they're not, Margaret. Don't get into that. Why do you want to get into that?

Mrs Marland: In any case, what I would like to ask this member—Bill, I can't concentrate with you nattering behind me. Just let me have my turn.

Mr Murdoch: Well then, Margaret, don't be telling things that aren't right.

The Second Deputy Chair: The member for Mississauga South has the floor.

Mrs Marland: I find it really interesting that in subsection 1(4) of this bill—

Mr Callahan: There goes your candidacy, Bill.

Mr Murdoch: I don't think Margaret will bother my candidacy.

The Second Deputy Chair: Order, please.

Mrs Marland: I'm simply saying, could you wait till I finish talking? Mr Chairman, it's very difficult to hear when people around me are talking, and all I'm asking is for the members—

Mr Gilles Bisson (Cochrane South): That's right. We are used to that, Margaret, every time we have to talk.

Interjections.

The Second Deputy Chair: Order. The member for Cochrane South is way out of order.

Mrs Marland: My question to the member for Halton

North is, how is it that in subsection 1(4) of the bill he protects everybody against proceedings? No proceeding shall be brought against the crown, the government, the executive council or any employee of the crown or government. Could you explain why you didn't include members of the Niagara Escarpment Commission? They are going to be very vulnerable in the execution of this bill, and I'd like to know why you're not protecting them.

Mr Duignan: I want to point out that the Niagara Escarpment Commission is an agency of the crown.

Mrs Marland: I'm well aware that the Niagara Escarpment Commission is an agency of the crown. I'm simply asking you why you have not named them in subsection 1(4). In your very carefully worded amendment it says "against the crown." It doesn't say "agencies of the crown." I'm not sure; I wouldn't be presumptuous enough to say that government agencies, boards and commissions are automatically protected, because unless you have a very strong opinion that that is so, I really challenge you on your answer. If there's somebody who can assure me that members of agencies, boards and commissions of the crown are automatically protected against a proceeding in this wording, then I will accept it, but I would be very careful with your answer, I would say to the member for Halton North.

Mr Duignan: Again, as I pointed out earlier, the bill does not affect the Niagara Escarpment plan act; it affects the EPA. There's a distinct difference.

Mrs Marland: Oh, so now you're backing down on your answer. This gives me a little concern for the members of the Niagara Escarpment Commission. Yes, I know it amends the Environmental Protection Act. It also says it's An Act to amend the Environmental Protection Act in respect to the Niagara Escarpment. I asked you two questions ago who would be responsible for the execution of this bill, and your answer was the Niagara Escarpment Commission. I'm simply asking you, why are you protecting everybody, including every employee of the crown or the government, but you're not saying in your bill that you're going to protect the Niagara Escarpment Commission? I'm simply asking you to give them that protection.

We're in committee of the whole House. If you wish to give those board members the protection that you want to give your own staff and your own executive council—namely, cabinet—then I ask you why you won't amend this and add the Niagara Escarpment Commission, because they are the people who are going to be responsible for the application of this bill. And don't tell me it's an amendment to the Environmental Protection Act, because I know it is; I can read.

2100

Mr Duignan: Again, obviously we have an area of disagreement: I believe that in fact they are covered; the honourable member for Mississauga South believes they're not.

Mr Murdoch: I'm quite glad you don't have it in there, I want to tell you. I think somebody should sue the Niagara Escarpment Commission. It would be the best thing they ever did. So I want to congratulate you, if

that's the case, and I think they should. But I want to point out for the record that the commission and the chairman are all paid, just so that all members know that.

The Second Deputy Chair: I would remind all members that we are dealing with Mr Stockwell's amendment, which simply says that he moves that subsection 1(4) of the bill be struck out. Further debate.

Mrs Marland: Are there any staff available to us when we're in committee of the whole discussing private members' legislation?

The Second Deputy Chair: It's my understanding that we do not have ministry staff available to us.

Mrs Marland: This is deplorable.

Mr Bisson: My God, Margaret, look in the mirror.

Mrs Marland: I don't know if the—

The Second Deputy Chair: The member for Cochrane South, please. You're not in your seat. Interjections are out of order, and you are very much out of order.

Mrs Marland: It's too bad the member for Cochrane South doesn't have something to do.

Mr Chair, I do not think that we can proceed with a bill which can only be clarified by one person in this House. Perhaps I could ask, with respect, because I don't know the answer, is the member for Halton North a lawyer?

The Second Deputy Chair: It's the member for Halton North's bill. Whether he's a solicitor or not really doesn't matter.

Mrs Marland: Well, it does matter a great deal, because he has made a statement. The statement that the member for Halton North has made is that subsection 1(4), where it says that no proceeding can be made against the crown, the government, the executive council, being the cabinet, and any employee of the crown or government, he says that includes the Niagara Escarpment Commission.

If we find out that it doesn't and the Niagara Escarpment Commission is not protected by this subsection 1(4), if we find that out before third reading, you can be well assured that I will bring that to the notice of this House, because it is absurd for us not to be able to get that answer to my question. Obviously, this has been worded very carefully, at the direction of the proponent of the bill, and I do think that if the member for Halton North is so interested in protecting the cabinet, he might well be as interested in protecting the members of the Niagara Escarpment Commission.

It wouldn't matter if you hadn't added this amendment. It would not matter if you hadn't said that no proceeding may be brought against these parties. But your answer that "those parties" includes the Niagara Escarpment Commission: If it does not, then I will personally speak to it at third reading because then there would be a situation where information had been brought to this House that was inaccurate.

The First Deputy Chair (Ms Margaret H. Harrington): Thank you to the member for Mississauga South. Are there any further questions or comments to the motion by Mr Stockwell?

All those in favour of the motion by Mr Stockwell regarding subsection 1(4)?

All those opposed, please say "nay."

In my opinion, the nays have it.

I declare this amendment lost.

Are there any further questions or comments on any section of this bill?

Shall sections 1 through 3 carry? Carried.

Shall the title carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. I declare the title carried.

Shall I report the bill to the House? Agreed.

Hon Mr Charlton: I move that the committee rise and report.

The First Deputy Chair: The government House leader has moved that the committee rise and report. Is it the pleasure of the House that this motion carry? Carried.

The Acting Speaker (Ms Margaret H. Harrington): The committee of the whole House begs to report one bill, without amendments, and asks for leave to sit again.

Shall the report be received and adopted? Agreed.

CHRONIC CARE PATIENTS' TELEVISION ACT, 1993

LOI DE 1993

SUR L'INSTALLATION DE TÉLÉVISEURS
APPARTENANT À DES MALADES CHRONIQUES

Mr Ramsay moved third reading of the following bill:

Bill 18, An Act to permit Patients receiving Chronic Care to install their own Television or combined Television and Video-Cassette Recorder / Projet de loi 18, Loi permettant aux malades chroniques d'installer leur propre téléviseur ou leur propre combiné téléviseur-magnétoscope à vidéo-cassette.

The Acting Speaker (Ms Margaret H. Harrington): Mr Ramsay, would you care to make some opening remarks?

Mr David Ramsay (Timiskaming): I appreciate, near the end of the session, all three parties, especially the government, allowing this bill to come through to third reading. As you know, it was a year ago that we had second reading in this House on a Thursday morning, and just a few weeks ago this was discussed and there was an amendment to the bill that was accepted in committee.

Very briefly, this bill I brought forward is a result of a constituent of mine in Timiskaming who wanted to bring a combination television-VCR to his wife, who today is a patient in the chronic care ward in the Kirkland Lake hospital. Mr Sampson wanted to do that in order to provide a bigger-screen television for his wife, but also with the VCR to allow her to start to view some of the family activities that she was no longer able to see, such as birthday parties of grandchildren and other such events. We tried working through the hospital and through the hospital association, and I really felt that I needed to bring this bill forward.

I think this type of bill would allow that sort of freedom of choice for people who find themselves in a

chronic care ward. In many cases this is a home for these people, and in many cases this is maybe their last home. I think having the right to be able to have their own television set at a much lower cost than maybe the \$82 a hospital would charge for a monthly rental, which I think is exorbitant for somebody who now finds himself a patient in these chronic care wards, is the way to go. I would ask all members, if they can, to support this bill.

2110

Mrs Margaret Marland (Mississauga South): I just would like to use the opportunity to congratulate the member for bringing forward this bill. It's obviously one that is needed. It's unfortunate in a way that it is needed, but I feel that the member for Timiskaming is speaking on behalf of all of us, even those members who are interjecting who can't tolerate any further discussion in the House on this matter.

Obviously he is speaking to this real need for people who are in chronic care beds or nursing home facilities, where they do not have that choice of having their own VCR or television set and they are bound by a commercial lease which not only is very expensive, it isn't always the service that the individual client or the individual patient needs. I think the point is very well made about being able to view programs of their choice, especially family films of family events and occasions that, because they are hospitalized on a permanent or a semi-permanent nature, they're not able to access any other way.

I do congratulate the member. As I've said, I think it's a wonderful solution to an existing problem, and I'm very happy that we're able to support it.

Mr Randy R. Hope (Chatham-Kent): To the member for Timiskaming, I think it was unfortunate that we had to bring in such a piece of legislation. After listening to some of the conversations, I remember getting quite angry, and by getting angry, I made sure that I would support the member in bringing forward this bill.

It's one that I believe should never have had to come here. It should have been resolved at the hospitals, because what it is talking about specifically is dealing with long-term care patients who are in hospitals, providing a basic right to a part of society: to watch TV and to feel some comfort in the last moments of their lives.

The family that was involved was of particular interest, because all he was trying to do, as a caring husband, was to provide for his wife in return for all the years of dedication and service she gave to him and his family.

I would like to congratulate the member for bringing the bill forward. Hopefully this resolves any future problems that we have. It's unfortunate that the situation could not have been resolved in the hospital versus a piece of legislation, which would have taken much less time. Then the person involved would have received a television-VCR at the appropriate time and probably would have been enjoying it, maybe even enjoying it today, watching the debate tonight on television.

To the member opposite, I was glad I was on the committee and I'm glad I was able to support the member in his private member initiative to provide for the

citizens of his riding, which I also know will benefit the citizens of my riding.

Mrs Yvonne O'Neill (Ottawa-Rideau): I wanted to say as well that the member for Timiskaming made our day when his two witnesses came to the social development committee. Sometimes it's difficult for us here in this Legislature to solve practical problems, but on that day we had a father and son come to us and talk about what they felt they could do for their mother and wife. That touched most of us, because we could put ourselves in their place. At that time in a person's life, those who stand by want to do the very most, and it seemed almost impossible to believe that they couldn't do what they wanted to do: offer their mother and wife the choices she needed.

The reasons that were put before them seemed very surmountable, and I'm very, very glad the member for Timiskaming made his mind up that he was going to pursue this and thus give many, many others in ridings right across this province the opportunity to enjoy family events, to have choices, to watch when they felt up to it, and that's also a consideration. I feel very strongly that this bill should be supported by all of us, because it will make those lives a little bit more pleasant as they grow closer to the time when they have to say goodbye.

The Acting Speaker: We have time for one more question or comment.

Mr Gilles Bisson (Cochrane South): I just want to shortly put on the record some of my thoughts in regard to the private member's bill. I know the family he talks about, because I dealt with the family, I guess going back a couple of years ago, who had the particular problem at the Kirkland Lake hospital.

I would like to commend the member for bringing forward this private member's bill. I speak from a bit of a different perspective, because I used to be in the television rental business at one time and used to be on quite the opposite side, with the contracts with the hospitals, but I do agree that—

Interjections.

Mr Bisson: Some members are saying, "You're the guy who brings in all the TVs."

There is a case to be made, especially in chronic care facilities where people are able to bring in a part of their lives that they feel attached to.

Fortunately or unfortunately at times, television is a big part of people's lives. To give individuals the opportunity to bring in a colour TV and a VCR to make their lives a little more bearable in a chronic care facility or in a home for the aged I think is something that, quite frankly, should have been done on the part of the institutions. The member for Chatham-Kent said he would hope that those kinds of issues would have been dealt with at the local board level and that they would have allowed that kind of practice to happen, but for some reason it hadn't been done.

I would echo the comments of the member from Ottawa—whom I served time with on the Constitution committee, I say in a nice way—that it's unfortunate that it has to be done this way. But it's nice to see you had a

chance where citizens are able to bring to their local member an issue and they are to see that the process does really work at times. I would like to commend the member for his work.

I would like to say, just in passing, that I have an opportunity to drive through the member's riding on Mondays and Fridays every week and I really appreciate all the wonderful passing lanes that have been put on Highway 11 by the Ontario government. It really allows me to go through the riding of Timiskaming in a very different way than in the past. I know that the Minister of Transportation salutes the riding of Timiskaming in putting all those wonderful passing lanes through Highway 11. They're much appreciated.

The Acting Speaker: The member for Timiskaming may respond.

Mr Ramsay: I'd just like to thank all the members who have stood in their places and offered their support for this bill. I appreciate that they recognize the need of the chronic care patients in this very modest endeavour. Sometimes in this business it's many of the little things that we get done that are the most satisfying, and I'd like to thank you very much for that support. I know Mr Sampson is watching tonight and maybe in a few weeks his wife will be able to watch the parliamentary channel when she gets her TV.

The Acting Speaker: Is there any further debate? Seeing none, Mr Ramsay has moved third reading of Bill 18, An Act to permit Patients receiving Chronic Care to install their own Television or combined Television and Video-Cassette Recorder.

Is it the pleasure of the House that this motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

Orders of the day.

Hon Brian A. Charlton (Government House Leader): Madam Speaker, just before I call the next order, the House leaders have had some discussions and I need to seek the consent of the House to proceed with second reading of Bill 104, which is the 98th order.

The Acting Speaker: Is there consent in the House to proceed with this? Agreed.

MUNICIPAL AMENDMENT ACT
(VITAL SERVICES), 1993

LOI DE 1993 MODIFIANT LA LOI
SUR LES MUNICIPALITÉS (SERVICES ESSENTIELS)

Mr Turnbull moved second reading of the following bill:

Bill 104, An Act to amend the Municipal Act in respect of vital services by-laws / Projet de loi 104, Loi modifiant la Loi sur les municipalités en ce qui concerne les règlements municipaux relatifs aux services essentiels.

The Acting Speaker (Ms Margaret H. Harrington): Mr Turnbull, would you care to make some opening remarks?

Mr David Turnbull (York Mills): This act is designed to protect tenants in the case where landlords fail to provide vital services such as heat, hydro, water or

sewage, and emanated from a situation in my riding where a landlord went into default on many bills and the heat was turned off in the building. In order to protect tenants all across the province, I brought this legislation forward.

It received consideration within the context of Bill 95, which was a similar bill but was limited to only North York, whereas my bill is for the whole of the province. It was agreed by all members of the committee, from all sides, that it would be appropriate to amend Bill 95 to allow for this being province-wide legislation, but it was technically not possible to do this.

2120

The Toronto Area Property Standards Officers, TAPSO, suggested this was an essential thing that should be brought forward. The bill is very similar to legislation which has already been enacted in this House for the cities of London, Toronto and Ottawa. The bill will simply allow municipalities to pass bylaws so they can act, where necessary, to protect tenants.

It avoids the costly preparation of private bills for municipalities. In the case of London, when we passed the London bill, it cost many, many thousands of dollars and approximately two years to bring it forward. It's appropriate that we allow all municipalities this without any further costly delays.

The Acting Speaker: Are there questions or comments to the member for York Mills?

Hon Ed Philip (Minister of Municipal Affairs): As Minister of Municipal Affairs, I'm pleased to support this bill. It's a bill that in many ways is similar to a bill I introduced many years ago as an opposition member and that was not passed at that time. It will be welcomed by tenants. It will be welcomed by a number of municipalities. I congratulate the member for being sensitive to his constituents. I'm pleased, as the Minister of Municipal Affairs, to support this bill and I look forward to municipalities using this for the protection of tenants. Once again, my compliments to the member.

Mr Gilles Bisson (Cochrane South): I have a question to the member about the bill. I was listening to your preamble. If I understand correctly, and you can clarify for my benefit, what you're talking about is having a bill so that in the event a landlord defaults on payment of hydro, those services can't be withheld from the tenant. If that were to happen, who in the end would end up paying the utility costs? Can you explain the mechanism, just for the record?

The Acting Speaker: Are there further questions or comments to the member for York Mills? Seeing none, the member for York Mills has two minutes to respond.

Mr Turnbull: First of all, I thank the Minister of Municipal Affairs for his kind words with respect to this bill.

In response to the member for Cochrane South, the bill is permissive legislation which allows municipalities, where they think appropriate, to step in, then they will add the cost of any bills that they have to pay. In the example I cited before of a building in my own constituency where the landlord had not paid the utility bill, it

would allow the municipality to pay it and add it as a charge against the municipal taxes. It should not end up as a cost to the public. It will be a cost against the landlord, albeit that in the meantime the municipality has to bear it. But it will be added as a charge against the property taxes of the building.

Mr Bisson: The municipality decides?

Mr Turnbull: The municipality will have the right to decide whether to enact this legislation and whether to use it where it sees appropriate. There are many municipalities across this province where this is not a particular problem. It appears to be more a problem of large urban areas where you sometimes have faceless landlords.

I have to tell you that in discussing this bill I've spoken to tenants groups and I've spoken to landlords. The vast majority support this, because good landlords certainly have no intention of withholding these services from tenants; it's the bad landlords, who give landlords a bad name, who withhold services or may not be in a position financially to be able to pay their bills. This addresses that problem. It shouldn't be the tenants' problem to worry about whether the landlord has paid the utility bills that month with the rent they have paid.

The Acting Speaker: Is there any further debate? Seeing none, Mr Turnbull has moved second reading of Bill 104, An Act to amend the Municipal Act in respect of vital services bylaws.

Is it the pleasure of the House that this motion carry? Carried.

Shall the bill be ordered for third reading? Agreed. To committee of the whole?

Hon Brian A. Charlton (Government House Leader): No, no. Third reading.

The Acting Speaker: Third reading.

ONTARIO LOAN ACT, 1994

LOI DE 1994 SUR LES EMPRUNTS DE L'ONTARIO

Mr Sutherland, on behalf of Mr Laughren, moved second reading of the following bill:

Bill 159, An Act to authorize borrowing on the credit of the Consolidated Revenue Fund / Projet de loi 159, Loi autorisant des emprunts garantis par le Trésor.

The Acting Speaker (Ms Margaret H. Harrington): Mr Sutherland, would you care to make some remarks?

Mr Kimble Sutherland (Oxford): I want to make a few very technical remarks about the bill and then a few other comments.

The 1994 loan act will provide the government with the authority to borrow up to \$15.5 billion over the 18-month period ending December 31, 1995. I want to reiterate that the figure of \$15.5 billion is over an 18-month period ending December 31, 1995.

The amount of the loan act is calculated as the sum of the financing requirement for this fiscal year plus the financing requirement for the first nine months of the next fiscal year. It is traditional to request authority to meet the borrowing needs for part of the following year to allow adequate time for the passage of subsequent loan acts, thus ensuring an orderly borrowing program. This year's borrowing program will include bonds, treasury

bills, US commercial paper, medium-term notes and private placements.

As you know, we require to borrow. But people need to keep in context what it means by us being able to do this, and some of the decisions the government made last year in terms of the social contract, expenditure control plan and tax increases, and relate that to this year's budget, where there are no tax increases, where we've been able to provide a few tax breaks to support job creation, where we've been able to maintain a significant capital program which has also meant very good things in my riding through funds through Jobs Ontario Community Action for the Woodstock District Community Complex, capital announcements for education, the new St Mary's High School and tremendous other things going on in the communities of my colleagues all across the province.

It also meant and this bill also means—it has some impact—that we did not have to reduce transfer payments to our MUSH sector partners, municipalities, universities and colleges, schools, hospitals. It gave them some more breathing room to deal with some of the changes, and let's be clear about that, that have to go on in all those sectors to operate more efficiently in an environment of less government revenue.

I think that's important when we're talking about this, because I'm sure some of the comments will just emphasize how much we have to borrow and view that as a negative thing, without taking into context the entire picture. The entire picture is what we've been able to do on the capital side for creating jobs, supporting jobs, supporting new types of economic activity, whether that be through capital, through training, through Jobs Ontario Community Action, and also what we've been able to do in terms of maintaining stable funding this year to all our transfer partners: the MUSH sector, as I said, but also a lot of our social service agencies and other agencies we transfer funds to.

I hope that all members who participate in the debate and those watching at home will keep this in the context that this government, through a very difficult economic time, has done a good job of managing our finances and that the economy is improving, more people are at work, and we're seeing more bright spots all the time picking up.

I will leave my opening remarks at that.

2130

The Acting Speaker: Questions or comments to the member for Oxford?

Mr Gilles Bisson (Cochrane South): I would like to take this opportunity to commend the member for Oxford for his contribution to this debate and to echo some of the things he talked about in terms of the direction the Ontario government has taken in trying to find a way to strike a balance between the fiscal reality in which we find ourselves in the province but at the same time the social realities we have. As a government, we have a responsibility to the people of Ontario to try, in the best way we can during a time of recession, to maintain services so people can still live in dignity and access and

rely on some of the services that are necessary for the province, but at the same time try to find ways to make those services much more affordable by finding ways of restructuring government in a proactive way.

If we look at some of the examples in health care, it started under the former Minister of Health, Frances Lankin, and now the present Minister of Health, Ruth Grier, in terms of saying, "We've had in past years double-digit increases in health care at a time we can't really afford it," and trying to find a way, and being successful in finding that way, of managing those costs down to a sustainable level.

Yes, it's been difficult for some of those agencies to change their attitudes and change the way they approach the problems they face. In the Timmins District Hospital they've had to go through a fairly difficult process of change and really challenge themselves to find ways to operate within existing budgets, and it's meant they've had to pull some of the parties together that they've never had to rely on before.

I would like to commend the member for participating in the debate, but really for acknowledging the work this government has done to try and find a way to restructure government to make it more affordable, remembering in the end that yes, we have a financial responsibility, but also as important is the social responsibility we face.

Mr Robert V. Callahan (Brampton South): I note in the explanatory note that some of this money will be sold on the international loan market. I have a serious concern that the people of Ontario, the people of Canada, concern themselves about the deficit of the province and the federal government. I have concerns about when governments are going to decide to try and bring the Canadian people and the Ontario people, through tax breaks or whatever, to the point where they will be able to sell all of this within Canada, within Ontario.

We saw today where the bank rate has just gone up again. Every time it goes up it means mortgage rates go up, it means the borrowing cost goes up, it means business has difficulty in terms of expanding, and every time we get a crack in the economy to move ourselves up, we move back down again.

So I have a real concern, and I really don't understand why this province or this country is not able to see that this is a crisis similar to what we had during the war. We should be able, through some innovative way, through tax breaks or whatever, to convince people to invest within the Ontario or the Canadian market to avoid the blip that every time the US burps, our interest rates go up, even though we've got deflation as opposed to inflation. I urge the provincial government, and I guess through you the federal government, to look at it in terms of trying to stimulate within Canada that degree of wish to save their country from deficits and from high interest rates that are affected every time one of the countries in the world blips.

Finally, in the United States municipal bonds are at 3%. Why are they at 3%? Because they're tax-free. We should be looking at innovative measures like that to try to keep our funding within our province, within our country, to avoid these blips and these burps that cause

us no end of trouble and do nothing for our business or our home owners in terms of their mortgages.

Mr David Johnson (Don Mills): This particular bill, which permits the government to borrow \$15.5 billion between now and the end of next year, the end of 1995, largely stems from the budget of 1994-95. I was very interested to see the pride of the parliamentary assistant in the budget. He kind of rushed his remarks, I might say; we must be under time allocation. But nevertheless I can see the pride beaming through for the budget of 1994-95.

The parliamentary assistant, though, being astute as he is, I'm sure will have heard that the Bank of Canada has increased the rate today to 7.09%, over 7%, and the Royal Bank of Canada has increased its rate to 8%.

My recollection, Mr Parliamentary Assistant, is that the budget of Mr Laughren and yourself for 1994 was based on a 6% rate from the Bank of Canada. I'm hoping you'll respond to this question, because my guess is that this increase in the rate from the Bank of Canada will have a dire effect not only on your budget, on your ability to borrow, but it will be a dampener on the economy as a whole. I think of the housing industry. I think of the auto sector in the province of Ontario. I know the economic forecasts have been rosy this year up to this point for 1994, but my guess is that this increase and the concern about future increases will put a dampener on that, will perhaps lower job creation and will wreak havoc with the budget in 1994. I would ask the parliamentary assistant's response to that.

Mr Chris Stockwell (Etobicoke West): I would ask the parliamentary assistant if this is not the largest borrowing bill, as far as he knows, for the period of time you're borrowing it for. I know we've gone out and borrowed greater sums or floated greater sums, but it seems to me, with your deficit figures and the revenue projections, that the \$15 billion doesn't jibe with the numbers within the budget.

Having said that, he may well want to go on and explain how come you need so much money when your deficit projections would appear to be somewhat less than this particular figure? The only other alternative would be that your revenue proposals or perspectives would come in on a slower basis or on a seasonal basis and you need the money as a stopgap measure.

It's also interesting to note where we're borrowing the money. The lion's share, or a goodly sum of this money, comes from overseas, out of country. It goes to prove once again that when we go out to borrow money, we just become further indebted to other nations, something I know this government has some real concerns about with respect to multinationals buying out Canadian companies. But every time they go out and borrow \$15.5 billion, where do they go? They go overseas, they go to other countries and they ask them to buy our bonds, which is kind of a curious dichotomy and something the parliamentary assistant might want to discuss.

But the bigger fear I have is not the multinationals coming in and buying up Canadian companies, although in some instances it might be concerning; the greater fear I have is how much public debt is held outside this

country. By holding it outside this country, public debt can be called at any time, according to the terms and conditions of that debt, and if they happen to call it, I don't think we have the money to pay them back.

The Acting Speaker: Our time for questions or comments has expired. The member for Oxford has two minutes to respond.

Mr Sutherland: I appreciate the members who contributed to the debate. Let me just say, first of all, that this isn't the largest amount. Last year's loan act was for \$16 billion. I want to remind the member for Etobicoke West, though—and I've repeated it twice—that it's for an 18-month period, going to December 31, 1995. The fiscal year requirements as expressed in the budget of course only go to March 31, 1995. It's traditional that we have that extra period of time. That's why the figure is higher than what's in the budget.

The member for Brampton South talked about wishing we could have more Ontarians and more Canadians participate in this. I think we all wish we could do that. My understanding of the situation, though, is that with the federal debt, less of that is foreign, more of that is domestic, but they have taken up a greater share of the accessible capital, which then forces the province—all the provinces, not just Ontario—in terms of having to go offshore.

2140

The other challenge that both the federal government and the provincial government have—I think the member was referring to Canada savings bonds or something of that nature that have been used—is that it is a more expensive way. It gets Ontarians and Canadians involved, but it is a more expensive way. If you look at the federal government and its policies, it's been trying to reduce the amount through savings bonds because it is a more expensive way of raising capital. I'm sure that the member too would like us to raise it in the most cost-effective way possible.

To my colleague the member for Cochrane South, he's quite right about the tremendous changes that have occurred, when I think of health care, with long-term care reform, mental health reform, all kinds of areas there; when I look at education and what is going on there through the work of the royal commission and standard testing; when I look at social services and the changes that are going on there, the tremendous changes that are going to make those services better for the consumer in the long run and more efficient overall.

The Acting Speaker: Further debate?

Mr Callahan: I'm very pleased to join in the debate. Oftentimes, when this type of matter comes before the House, it's an opportunity to really lay it on the government. I'm going to try not to do that, at the outset anyway.

I raised in my questions and comments something that has concerned me gravely, and it should concern the people of Ontario as well as the people of Canada. I don't think people understand what a deficit is. They don't understand what an accumulated deficit is. They don't know that the accumulated deficit is about \$280

billion federally; it's about \$90 billion here in Ontario.

That's not a criticism of any government. What that says is that the government of the day, of whatever political stripe, is not able to live within its means. The net effect is just like any ordinary consumer watching tonight who has a family. They have to go out and borrow money to buy a house, put a mortgage on it at the going interest rate. You have to go out and buy a car at the going interest rate. If they're a businessperson, they have to pay the prime rate, perhaps a pimple below the prime rate or the prime rate plus one.

The net effect is that they're buying something, but they're buying it over time and they're paying a significant amount of interest. If the public who are watching tonight understand what the government is really doing, the government is borrowing money, and the prevailing interest rate at which it can float it will have an effect on how we can pay it back.

We've seen, as I said in my questions to the parliamentary assistant to the Minister of Finance, that today the Bank of Canada rate went up again; I think it's the second time in two weeks. I remember when we had rates for mortgages going down to about 5%, and that's only about three months ago. People out there with mortgages who were hedging their bets were going for six months and not locking in because they felt we had reached that stage of normalcy. You had bankers in fact telling you, "Don't lock in because this can't last, this is just a short-term blip." When I think about what my banker told me, and I hope he's not watching, or she's not watching, I think it was fine for them to say that because, even it is isn't a blip, which it wasn't, they're going to make money, because when I lock in, I'm going to lock in at the rate they want me to lock in at.

I think there's a very real concern, and there should be, provincially and federally, about how we deal with deficits. If the people of the Ontario and the people of Canada, the people I talk to and I'm sure the people all of us talk to, are so concerned about deficits, then we as Canadians should be prepared, first of all, to understand what a deficit is, what an annual deficit is and what an accumulated deficit is. The accumulated deficit involves mortgaging the future of our children, both provincially and federally, and this is whatever the political stripe.

If we don't deal with it, all we do is keep heaping it on, year after year. This is not an indictment of the present government because it was all three governments. Through accumulation back in the years of Mr Davis, and I hate to say that—he's a friend and a constituent of mine—they started an accumulated deficit. I'm sure we added something to it. We had some good years, so we didn't add that much to it. The New Democratic Party government has had bad years and has added an awful lot more to it.

The net effect is that if you put the accumulated deficit aside and let it keep building, just ignore it and have current or yearly deficits every year, you keep adding on to it. What we're doing is sacrificing the future of our children. I think that's sad. We as legislators should have a more imaginative way, both federally and provincially, of dealing with this whole issue to ensure that our young

people in the future will not have to bear that debt. Right now, we're bearing about \$8,500 per person for every citizen of Ontario in terms of Ontario's debt.

What I'm suggesting is that during the war—I happened to come from the United States as a young man and I guess I was about six years old when the war was on—they sold war bonds. I'm sure they sold them in Canada too. They were able to involve the people of Canada in a cause that was so important and so significant because we were fighting in Europe against a regime we all abhorred.

Interjection.

Mr Callahan: Well, I hate to tell you, but we're fighting a regime that we all abhor now too: the giving away of the future of the children of this province, the reduction—

Mr Tony Martin (Sault Ste Marie): Oh, get a life.

Interjections.

Mr Callahan: We're giving away the future of our children's lives. It's necessitating governments of all political stripes to have to reduce things like health care, to have to tell seniors or anybody when they travel outside this province that they're only going to get compensated for \$100 or whatever on their hospital bills.

We wouldn't have to do that, because if we were smart and we were doing our jobs as legislators and as parliamentarians in the parliaments of Canada, what we would say is, "This is an important issue," and we would sell it to the people of this province, sell it to the people of this country and say, "This is an urgent issue." You now have to think not so much in terms of how much you would make—if the bonds can't be sold within Canada, they'd be sold outside of Canada. If they're sold outside of Canada, obviously we'd have to give them an impressive rate.

Every time the United States burps, as we've seen today, every time the European Community and the world burps, Canada suffers, and yet Canada has not inflation, but deflation, and we can't do anything about it.

Young couples that are about to buy a home, or were going to, found that unless they locked in with a mortgage there was no way they could buy the home. So who are they selling the houses to? In my community, in the registry office, there was all sorts of activity last month. What was that? That was the blip of the people who plugged in and got the 90-day commitment on the mortgage loan when the rate was low. Suddenly this place is empty again, and it's empty again because the interest rates are going up.

I'm glad the parliamentary assistant is here and I hope he'll discuss it with the Treasurer, or the Minister of Finance, because we have an opportunity in time to come up with innovative ways to convince Canadians and Ontarians to pick up those bonds. Maybe we need some assistance from the federal Parliament in terms of taxation to try and convince them that they should be prepared to buy those bonds.

The province of Ontario has an excellent banking system called provincial banks. Bob Nixon, who was the Treasurer of this province, put a great deal of effort

behind moving them around the province and making them competitive. Through the provincial banking system we should be able to give incentives, even if it means indirectly that the provincial savings bank takes a deficit. It's an agency of this Legislature.

Rather than having the Minister of Finance of whatever political stripe stand up and say, "This year we're going to have a \$9-billion, \$10-billion, \$11-billion or \$12-billion deficit," or trying to formulate ways to make it look like it's better than it is—we all know that goes on whatever the political stripe. We've seen with what they call Rae days.

2150

Interjection: Social contract.

Mr Callahan: Social contract. I have great respect for the Office of the Premier. I like him as well. But we haven't saved anything there. I would think that if an accounting was done of what we have saved through the social contract, we would find we've saved nothing.

Interjection.

Mr Callahan: The parliamentary assistant laughs, but let me tell you, I'm the corrections critic and when I hear corrections officers calling me and telling me that they have to work 18-hour days so they're getting overtime, or if they can't work the 18-hour days, they have to bring in staff at overtime; or nurses, where the RNAs can't work so they bring in RNs; that's got to cost more. I'd love to see an accounting of what went on during the social contract.

I'm not trying to be political in this regard. What I'm trying to do is urge and suggest a way that we could look at this and deal with it. I've talked to every Minister of Finance—"Treasurer" was the former word—of whatever political stripe. I've even written to my good friend Paul Martin, who was a classmate of mine, suggesting that we have to structure our tax system in such a way similar to the United States.

In the United States a municipal bond issue goes at 3% interest. When I was on council, we were paying 19% interest on debentures and flogging it off on the taxpayers, the real property owners in my municipality. In the United States they make it 3%, and the way they get away with that is that the 3% is not taxable. It's sheltered. So foundations which have all sorts of money to put out will put it out at the 3% because in effect the net result is that they save money. They're not taxed as heavily. They make as much as they would if they were getting 19%. I think those are areas which all legislators, of whatever political stripe, whatever level of government, could look at.

I've heard people I've talked to about this issue and about how we could do it say, "Well, we can't do it." I heard the parliamentary assistant say, "Well, we can't do it." Well, I say to you, and I challenge every legislator in this Legislature and I challenge the legislators in the Parliament of Canada to say that the people of Ontario, the people of Canada, all talk about the deficit—and they're right, the deficit is an albatross around our necks. It is having an impact in terms of jobs that are being created in this community. It has an impact in terms of

businesses that are succeeding. It has an impact in terms of the recession, of our getting out of the recession. The United States is out of the recession. We're not out of it.

With today's announcement of the Bank of Canada rate, which they had to do, we've got a 72-cent dollar. It's great for exporters, but it doesn't create any jobs in this country. Unless we wake up and realize that if we really want to get rid of the deficit and we really want to make this country and this province competitive, then we have to sit together—maybe it requires it being done in a non-partisan way, because we have a crisis. We have a crisis that is equivalent to the Second World War.

We have people who are starving on our streets. We have food banks. Who would have ever thought food banks would have become such an established institution in the good old province of Ontario? Who would have thought people would have been lying on the streets on Toronto and the streets in my community and many communities throughout this province? Who would have thought that young people would have been losing their homes that they paid overpriced rates for, and the mortgage rates went up through the roof and they couldn't afford them any more? Who would have thought that jobs would have been lost the way they're being lost? Who would have thought companies would have moved out of this province? Who would have thought businesses wouldn't get started?

It's a direct result of what we allow to happen in terms of how we invest or how we sell our debt. This is exactly what this bill is talking about. I've been in here, this will be my 10th year, and I have seen this bill go through. It always goes through at the end of the session. It always goes through at a time when people want to get out of here. It always goes through in a situation where people just want to talk about their pet peeve. Well, what I'm talking to you about today is not your pet peeve. I'm not criticizing the government. What I'm doing is that I'm challenging the government to develop a technique to deal with this, a rallying call.

I watched last night while the Minister of Transportation talked about developing TV commercials to stop carnage on the highways. Great stuff. Why isn't the Minister of Finance out there, or the Minister of Finance for Canada, saying: "Look, Canadians, do you want your country to be financially stable? Do you want us to be able to compete? If you want us to be able to compete, then you better wake up and realize that unless they're prepared—the people who invest in this loan apparatus—to put their money where their mouth is, then we are not going to survive economically; we're not going to survive socially. Our health care system will be shot to blazes. We will have to cut back on social services. We will have to cut back on everything"? I don't think that's fair.

The time has come for us to realize that if we truly believe or we're prophetic enough perhaps to see what the next five years holds for us, regardless of what party's in power, we have to make some very significant decisions, taxwise, to create a tax system that is going to allow for this, encourage people who perhaps are not prepared to do it, because they're strong Ontarians and strong Canadians, to invest in our country and to give us

the money so we're not going to be borrowing it or sending it out to international markets.

Think about it: For every dollar we send out and is bought by somebody outside this country, we do a number of things. We give them a great investment because we've got a 72-cent dollar so it means they already start with 28 cents to the good. Then if we give them a rate of interest that's higher than the US, that's a greater attraction.

Why do we have to do that? If Canadians really believe that the deficit is the important feature, if Canadians believe that the accumulated deficit and the annual deficit are important, if they really understand that this has an impact in terms of our whole environment, does it require us to be dragged to our knees in terms of employees having no jobs? Does it require us to be dragged to our knees in terms of having no business? Does it require us being dragged to our knees and people losing their homes? Does it require us being dragged to our knees in terms of not having a health care system of which I was proud at one time and which is being limited by necessity—and I'm not criticizing the government—and does it require that we simply give up, that we as politicians are required to sort of hide how our deficits are arrived at, create innovative ways through crown corporations? Again I'm not criticizing the present Minister of Finance, but why do we have to play smoke and mirrors with people?

Why can't we say to the people of Ontario and the people of Canada, "If you really are concerned about your country and your province, you have to then invest in your country and your province"? You can't just say that to them without structuring a tax system that will at least give them a break so they're not giving total charity to their fellow human beings, but at least you're giving them a level playing field that might be something similar to what they might be getting on the international market.

Unless we do that, I have very severe concerns. In the period of 10 years that I've been here, I've seen this province dragged to its knees in a whole host of areas. I don't know how much longer I'll be around this Legislature, but certainly when I leave here, and I would hope all members when they leave here, I would like to be able to say: "Well, we were innovative. We were innovative to the extent that we were able to take the debt off the backs particularly of the young people of this province and give them back something." I don't think we've done that.

I don't know whether that message has been delivered well or if people understand what I'm talking about or whether anybody's listening to that message at all, but I think we had better listen to it, because if we don't, we're in deep trouble.

The Acting Speaker: Questions or comments to the member?

Mr David Johnson: I wish to assure the member for Brampton South that I'm listening and that my colleagues from Mississauga South and Etobicoke West are listening to the message that you're conveying, and you're conveying a message that needs to be heard.

I've always appreciated the member for Brampton South. His route is by my office in the morning, and he always looks in and says, "Are you having fun?" and gives me a wave and cheers me up every morning, but the message tonight, I think, is one of sober reality that he's conveyed to this particular House in terms of attempting to appreciate the enormity of the debt and the deficit, the deficit being the difference between the revenues coming in and the expenditures each year of the province of Ontario.

2200

My personal little comparison is, if you bring it down to a personal level, and I know the member for Brampton South was attempting to do that, if you were an individual earning \$45,000 a year and spending \$55,000 a year, and you did that not just one year but you did that for four years in a row, then you would have some appreciation of what's happening at the province, because at the province the revenues coming in are about \$45 billion and the expenditures going out are about \$55 billion. This has happened not just for this particular year—and the parliamentary assistant is so delighted with the budget this particular year—but for four years in a row.

As a matter of fact, it's worse than that, because the debt of the province has increased since this government has taken office, from about \$45 billion—at the end of this fiscal year, it will be about \$90 billion. It's hard to put your mind around that. I think the member for Brampton South is trying to bring that to the attention of the people of Ontario, and I thank him for that.

Mr Sutherland: I appreciate the comments made by the member for Brampton South. Let me just say to him that in terms of where Ontario's debt is and the composition of it, a little over 46% of it is in Canadian hands or Canadian dollars; another 44% is in US; and then 9% is in other types of currencies, European, Asian etc. I hope that gives him a little better understanding of where the debt is.

Again, though, his point about, can we do more on the savings bond type of area: I wasn't trying to say that nothing can be done about it, but I was trying to imply some of the obstacles. The number one obstacle of course is that it has now become more expensive to try to raise your funds to cover your debts that way in terms of what type of interest rates you've got to provide to make it an attractive investment as compared to doing some of the other types of borrowing. It's also a question of how much capital exists in this country in terms of meeting all requirements, both federal requirements and of all the provinces, and, again, the costs associated with that.

Whenever we're having this discussion, I think all of us would agree: We'd like more individuals to hold it through a savings bond or through other types of initiatives, but we also must remember the costs associated with that, and also, is there that much capital in existence here in Canada to cover all the debts that are around?

This government I think has been making tremendous efforts in terms of reducing the deficit and getting a handle on that, and then in moving towards dealing with the issue of the debt. We would have liked to have done more, and we could get into that debate. I could suggest,

well, if the previous government had saved some when the times were very good, we wouldn't have had much of a problem, but the issue is, we've all got to deal with it.

Mr James J. Bradley (St Catharines): I thought I heard the member mention the booklet *Horizons* that has been published by the Ministry of Education. I think you would be familiar with it yourself, Madam Speaker. This booklet has been extremely valuable to secondary school students. If the government, when it is borrowing money, were doing so for the purpose of purchasing and providing these books throughout the province, you and I would agree that it would be extremely beneficial. I know we have all probably received letters from guidance teachers across the province of Ontario who have said, "Would you please retain the booklet called *Horizons* so that we can help to guide young people in our society in such a way that they will be able to go on to the kind of educational institutions at the post-secondary level which will assist them immensely in eventually getting a good job and being good citizens or, alternately, will assist them in being able to get a job?"

I know they were quite shocked when they learned the provincial government was going to cut the funding for this program, because they thought, when this bill was coming before the House to borrow money, it would be borrowing money so it could continue to provide *Horizons* for students in the province.

I would join my colleague the member for Brampton South in urging the government of Ontario to maintain the book *Horizons*. I know that guidance teachers and others would benefit immensely from this, because it's a great assist for them, it's a great tool for them, and I know that the students themselves would benefit. I certainly would be one of the first to take advantage of the opportunity to stand in this Legislature to congratulate the government of Ontario if it were to abandon its plan to cut out the funding for the *Horizons* booklet for guidance in our secondary schools.

The Acting Speaker: We have time for one more question or comment.

Mr Stockwell: I would certainly reinforce that thought by the member for St Catharines, although not having read *Horizons*, I am certain that the member for St Catharines would not have steered anyone wrong.

Let me say, first off, that you know you're in financial difficulty when the debate turns to who should hold our debt. Really, that's what this bill has come down to: We'll discuss who is the best person to hold government debt. The minister's parliamentary assistant of Finance stands before us today and says: "You know, we're not doing too bad, because 46% of the debt that we owe is owned by Canadians, and then some 40% is owned by Americans and 9% by everybody else. So, as a government, we're doing the responsible thing in trying to get more people of this country to buy our debt."

It is kind of scary, and I know the member for Brampton South would agree, that the debate upon borrowing \$15.5 billion is, who should we allow to buy our debt? Really, it's becoming academic at this point. We are reaching a credit-rating crisis. With every downgrade we're losing people who will buy our debt. Ulti-

mately, you're left with fewer and fewer buyers of the government bonds.

Having said that, the other frightening statistic is that we are the largest non-sovereign borrower in the world. That says to me a couple of things. That says that a lot of other people are either managing themselves much better than us or we're simply mismanaged. I've come to the conclusion that everybody can't be managing themselves better than us; we must be mismanaging the economy in this province in our borrowing needs: \$15.5 billion this year, \$16 billion last year. The Treasurer's out right now trying to flog these bonds around the world. It kind of gives a frightening thought to those people in Ontario about where their future lies.

The Acting Speaker: Now the member for Brampton South has two minutes to respond.

Mr Callahan: I want to thank all members for participating, particularly the member for Don Mills, because every time I pass his office I say, "Are you having fun?" The reason I say that is that he came from a municipal background, which I did too, which was not subject to all this junk of partisan politics. Municipal councils join together when there is a problem and they debate it. Maybe what we need is a little more of that in here, particularly in terms of fiscal matters.

We've got a problem, gang, my colleagues in the Legislature, all honourable members. We have to put aside partisan issues. We have to deal with this issue in terms of the people of this province. I urge the federal government to do the same thing: Put aside partisan politics.

In terms of the deficit of this country, it is a cancer that we have to effectively deal with. The only way we'll deal with it, I suggest, is to put aside the question of partisan politics and sit down and figure out how we're going to attack that cancer and how we're going to knock it out.

That's the problem I've got. There are a lot of things in here that are partisan, a lot of things that are great political debates, but we are talking about the future of this province, the future of this country and, more importantly, the future of my children, your children, our grandchildren, the future that they're going to have or not have. So I strongly suggest that we look at any possible solutions that there are.

Some of the comments that have been made about Americans coming in here and taking over our companies, great. If they want to come here, that's business. But I don't want to sell my country or my province outside of this country so that it can't be controlled and I can't say yea or nay in a legislative body such as this or the Parliament of Canada in terms of what the interest rates will be for the businessmen, the home owners, the youth and all the people who are looking for jobs in this province. No, thank you. They can have their own debt. They can increase it as they wish. Through the Province of Ontario Savings Office, we should be doing what Petro-Canada should have been doing: lending money to people at a hell of a lot less and selling gas to people at a hell of a lot less to make those damned banks on the four corners in my riding think about it.

2210

The Acting Speaker: The member's time has expired. Is there any further debate on Bill 159, An Act to authorize borrowing on the credit of the Consolidated Revenue Fund? I recognize the member for Don Mills.

Mr Callahan: Are you having fun?

Mr David Johnson: I'm having fun. I appreciate the comments of the member for Brampton South. I guess we're both having fun tonight but we're both very concerned about this particular issue. His plea that we rise above partisan politics I think is an appropriate one. He's just scuppered my whole speech because it was sort of a partisan speech and now I have to be very forthright.

This bill that's before us, it's interesting: It's one piece of paper. It's probably the shortest bill that we will deal with this year. Just recently we dealt with the credit union bill, for example—yesterday, I guess it was—187 pages, a very important bill, but by comparison this bill is one page and it simply authorizes staff to borrow \$15.5 billion between now and the end of 1995. That doesn't necessarily mean they will borrow that full amount, but in all likelihood that will happen.

That money will cover the shortfall that is expected. Currently the projection is that the shortfall, the deficit for 1994-95, will be about \$10.5 billion. There will be another \$1 billion of debt that will be retired from previous years that has to be reinvested, and the remainder will be for the fact that it's over a period of about a year and a half, going into the next fiscal year.

I can only suppose that the borrowing is authorized up to December 31, 1995, because it's anticipated that there could well be an election during that period of time. If there is an election, then there could well be an extended period of time in which there's actually no political leadership, no government in place, and the staff will be authorized to borrow \$15.5 billion.

I think the comments of the member for Brampton South are the same comments that I was anticipating beginning with, that it's essentially a mortgage on the future of the province, and it's a very worrisome mortgage. I see the parliamentary assistant is keeping an eagle eye on the proceedings here at this point to make sure they don't get out of hand—but it is very worrisome.

The debt in the province has increased dramatically over the past four years. I think we've heard statistics already to indicate that the debt some four years ago, in 1990, was about \$45 billion, which in itself is a tremendous amount of money, a tremendous burden on the people of Ontario. It's an obligation that the people are burdened with, and in the final analysis it's the responsibility of the people to shoulder that burden.

But each and every successive year from 1990 up to the present time there has been a deficit, a shortfall in the revenues vis-à-vis the expenditures in the province. The expenditures have been higher than the revenues coming in. Indeed, in one year—I think it was 1992—the shortfall was some \$15.5 billion. When there is a shortfall, that shortfall gets added on to the debt that must be assumed by the people of the province of Ontario, and that's how the debt grows. Actually, in the operating

budget there is a line item each year that contains the interest necessary to service that debt—simply the interest; not to pay off the debt, not to diminish the debt, but simply to ensure that the debt keeps rolling over year after year and pays the interest on it.

Another way of looking at it is that it's deferred taxes. The services are being used this particular year, but there is not money being raised to pay for them. Those services could be health services, they could be welfare, they could pay the salary of the parliamentary assistant or the Minister of Housing or the Minister of Community and Social Services, who joined us this evening. They are simply, in large part, to pay for the annual operating costs of the province of Ontario. That's what's different.

The member for Brampton South has indicated that he and I both come from a municipal background, as does my colleague the member for Mississauga South, who is with us here this evening. We come from a municipal background.

Mr Gary Wilson (Kingston and The Islands): Just shows how uneven it is, eh, David? Just shows how uneven that experience can be.

Mr David Johnson: "Uneven"? My good friend the member for Kingston and The Islands says that the experience is uneven. I'm not sure exactly what you mean by that, but have you been in the municipal domain?

Mr Gary Wilson: No, that is another point of comparison.

Mr David Johnson: Another point of comparison? Let me show you what the comparison is, to my good friend the member for Kingston and The Islands.

Mrs Margaret Marland (Mississauga South): It means we understand.

Mr David Johnson: My colleague the member for Mississauga South says, "It means we understand."

Mr Gary Wilson: You are learning; she knows it all.

Mr David Johnson: Yes, I'm new here. But let me tell you what happens at the municipal level. At the municipal level there is a provincial law that you cannot run a deficit; it is forbidden. Municipalities are not permitted to run a deficit. They are permitted to borrow for capital purposes.

If we look at the budget of the province of Ontario—the parliamentary assistant, I'm sure, will nod his head on this—part of it is for operating and part of it is for capital. But the greatest portion by far, some \$51 billion, I believe, this year is for operating expenses, and the vast majority—I shouldn't say the vast majority, but the largest chunk of that—would be for health, then for education, then for welfare and then for interest to pay off the debt. But these are day-to-day expenses. These are not long-term investments. These are to pay individuals.

At the municipal level, to get back to the municipal level, they cannot borrow money to pay for day-to-day expenses. The municipalities must balance their budget in that regard. What they are permitted to do is to borrow money to pay for capital projects such as roads, sewers or perhaps buildings, but these are all expenditures that will last for a considerable period of time. A road may

last for 40 to 50 years. A sewer may last for 100 years. A building may last for any number of years but for quite a long period of time. Municipalities are permitted to debenture those kinds of payments over a period of time, much in the nature that if we purchase a house, a capital asset, then we are permitted of course to have a mortgage, and most of us have a mortgage, and pay off the house over a period of time.

But that's not what's happening in Ontario. What's happening in Ontario is really what I would call deferred taxes. We are not paying our day-to-day operating expenses, primarily salaries to people. I have some notes from one of our analysts who has prepared some notes for me. He says that this is asking us to subscribe to the theory that the best way to get out of a hole is to dig the hole deeper, and that's exactly what we're doing. We're digging the hole deeper and we're incurring more debt. We're paying for today's operating costs, today's medical costs, today's welfare and today's housing costs; for example, to pay the subsidy for the people in the non-profit housing. Perhaps my colleague the member for Mississauga South will tell me what that is. I think the budget is about \$800 million. Is that right?

Mrs Marland: The subsidy is \$1 billion.

Hon Evelyn Gigantes (Minister of Housing): No, no, that's wrong.
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Mr David Johnson: Well, it's not far off. It's somewhere between—

Hon Ms Gigantes: "What's \$100 million?" he says. "What's 200 million?"

Mr David Johnson: —\$800 million and \$1 billion. It's a large amount of money, and we're paying that kind of money. We're not raising the revenue today to pay it off, so we're deferring that payment. We're passing it on to our children and our grandchildren in the form of a debt, and we will be asking them, as future taxpayers, to pick up that bill for non-profit housing, for welfare.

Hon Ms Gigantes: No, no, no. You'd better understand how it is financed.

Mr David Johnson: Well, Madam Minister, it's in the budget. It's in the expenditure estimates. There is it, and we are not covering those expenditure estimates for 1994-95. Your Finance minister, who sits right in front of you, is borrowing \$10.5 billion to pay for what's in these estimates.

Hon Ms Gigantes: You don't understand how it is financed. The cost per unit goes down every year to pay for the mortgage.

Mr David Johnson: That disturbs the Minister of Housing, I guess, but that is a fact, that the expenditure estimates amounting to \$51 billion this year, including housing, are not being covered by the revenues and we are having to borrow the money. That's what this bill does. It says, "Go ahead and borrow \$15.5 billion to pay for projects and to pay for operating costs such as non-profit housing." That's exactly what's happening.

Mr Stephen Owens (Scarborough Centre): So just say no to housing, is what you're saying.

Interjections.

Mr David Johnson: At some point in the future our children and our grandchildren are going to say: "What on earth were you doing back there in 1994? How could you tolerate that? How could you run up the debt of the province of Ontario?" By the heckling, I can understand that there isn't an appreciation of that, but that is going to happen, and it's a fearsome burden we're putting on our children.

One of the other analogies that was drawn by one of our staff people was that it's a bit like nuclear waste in that the debt will live on for years after the government has produced it.

Hon Ms Gigantes: You should know about nuclear waste and the debt.

Mr David Johnson: The Minister of Housing is heckling again.

I think that's a weak analogy in the sense that nuclear waste at least has a half-life and it diminishes over time, it decreases, it gets less. But what happens to the debt? The debt of the province of Ontario goes up and up and up. It has doubled; the debt of the province has doubled since this government took office.

Hon Ms Gigantes: You will live to see the end of a housing mortgage, but not the end of a nuclear waste mortgage.

Mr David Johnson: Madam Minister, when you took office, the debt in the province of Ontario was about \$45 billion. Your own Minister of Finance, who sits in front of you, if he were here tonight, would confirm these facts: that the debt of the province of Ontario was \$45 billion when you took office, and at the end of this fiscal year it will be over \$90 billion. You may not appreciate those numbers, but that's true. Do you know that in terms of the gross domestic product, \$15.5 billion—

Mr Larry O'Connor (Durham-York): Let the people starve. Let them starve, is that what you're saying?

Mr David Johnson: Let them starve, he says, let them starve. That's the member for Durham-York.

Do you understand the impact in the future? Do you understand that in terms of the revenue, 18% of the revenue coming in now goes to service the debt? Do you understand that? When you took office, it was half. Do you understand?

Mr O'Connor: We realize that, and when the Tories left Ottawa, it was over a third of their budget.

Mr David Johnson: I'm getting heckled by the member for Durham-York, but if I look at the budget of the various ministries—and here they are for 1994—if I look at those budgets, some of them are actually down, some of them are down. You're providing less services through the Ministry of Health, and I see the Minister here today, and she can take some credit. But the spending is less for Municipal Affairs, which I've been involved with as a mayor of a municipality. There is less money today available to municipalities. There's less money available to Health. Why is that so?

Interjections.

Mr David Johnson: Well, I can tell you that one of the reasons is because the public debt interest—and listen to this. I'd appreciate if you'd listen to this, since you've been heckling.

Mr Gary Wilson: Remember 31 cents in Ottawa, though, Dave.

Mr David Johnson: Why are you worried about Ottawa? Your responsibility is right here in the province of Ontario. Since you've been in government, the interest on the debt was \$5 billion in fiscal year 1992: \$5 billion. In 1993—

Mr Owens: Just tell us what hospitals you're going to close, Dave, what schools you're going to close.

Mr David Johnson: This is the money out of the operating—

Interjections.

Mrs Marland: Mr Speaker, on a point of order: I understand that interjections are out of order. We have had a fairly quiet, controlled House this evening. Suddenly we have two members in the House, government backbenchers, who are really disrupting the debate to the point where, personally, I'm sitting in front of the speaker and I can't even hear him.

Interjection: Maybe he should stop being so provocative.

The Speaker (Hon David Warner): The chamber has certainly been a touch more subdued than during question period. It would be helpful if the members would allow the member for Don Mills to continue with his remarks uninterrupted.

Mr David Johnson: I thank you for that assistance, Mr Speaker. I will point out in a non-provocative way, since I've been accused of being provocative—not often in my career have I been accused of being provocative. At any rate, I'll simply read from the budget of the Minister of Finance, Mr Laughren. I'll read from that. That couldn't be provocative, could it?

There's a line item in this year's budget, 1994-95, that says, "Public Debt Interest." That item describes how much money the people of the province are paying in interest on the debt of Ontario, simply the interest. In 1992, the people of Ontario paid \$5.293 billion to pay for the interest: \$5 billion. In 1993, the people of Ontario paid \$6.9 billion, an increase in one year, by simple arithmetic, of \$1.7 billion to pay the interest on the debt: not to pay the debt down, but simply to pay the interest on the debt.

This year, 1994—and the members may find this provocative, but here it is in Mr Laughren's budget—it's \$7.9 billion, another increase of \$1 billion from the previous year, simply the interest on the debt. For the two years, that's a \$2.7-billion increase in the interest payments on the debt.

The problem is that we may think: "Well, so what? What's a billion?" I guess the attitude of this government is, "What's a billion?" But this impacts on the services that can be provided to the citizens of Ontario. And consequently, because we're paying more in interest, we can't afford to give the same amount of money to the services we were formerly giving, services such as health

and education. Education is going down in terms of support.

Let's have a look at the Ministry of Agriculture. Agriculture is down. This government is giving less money to Agriculture. I don't see the Minister of Agriculture here tonight.

Mr Stockwell: Yes, there he is.

Mr David Johnson: Is he there? He's getting less money.

Mr Stockwell: Health?

Mr David Johnson: Health is down because we have to pay more to service the debt, and that's the simple message. I'm sorry if that's provocative, but that's the fact of the situation, and I think it's a real crime.

The member for Etobicoke West will recall our days back on the Metro council. For some reason or other, and I was saying that to him earlier tonight, even the members of the Metro council were in love with debt. I don't know why. The NDP on the Metro council were in love with debt. They wanted to borrow more money, put every nickel you could into the budget this year, buy all you could, put it on the credit card and do whatever you could for that particular year. In terms of a short-range strategy, that's tremendous for that particular year, you put every nickel into services that particular year. But anybody who owns a credit card knows the problem with that.

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The problem is that the bills will come in, and the bills are coming in, and they're coming in in the budget Mr Laughren has put forward. As a result, we have less money to pay for health, we have less money to pay for education, we have less money to pay for agriculture, we have less money to pay for all the services we give in the province of Ontario, and the problem is that it will only get worse.

To move on to a couple of other matters: How did we get into this kind of situation? This didn't happen overnight, I'll have to say that. Back in 1992 this particular government, the NDP government, forecast that the revenues would be about \$45 billion. However, the revenues were \$42 billion. They were out by about \$3 billion. In that same year, they forecast that the revenues for last year would be \$48 billion, but they turned out to be \$44 billion. They were \$4 billion out. At that same time, believe it or not, they forecast that they could extract revenues, taxes from the people of Ontario, to the tune of \$51 billion, and in fact this year we'll be fortunate to get \$45 billion, a difference of about \$6 billion this particular year.

The forecasts have been erroneous over a period of years, not only the forecasts on revenue but spending has been up and up and up. On the spending side, it hasn't just been this particular government, but spending has increased for a number of years. I'll have to admit Conservative governments have overspent, so I'll share the blame. I wasn't involved. I doubt too many members of our caucus were involved, but if you go back to before 1985, certainly some Conservative governments could be accused of spending too much. I'll share that blame.

From that point on, though, I think we would all agree that the Liberal governments have overspent, and between 1986 and 1987, the spending increased by about double the rate of inflation, a 9% increase in spending when inflation was about half that. In 1987 to 1988 the spending increased by 11%; another 7% in 1988-89; in 1989-90 a tremendous increase of almost 12%, about three times the rate of inflation.

Those were the years when the spending increased at such a rate that we could not afford. Between 1986 and 1991, the spending increased at an enormous rate in the province of Ontario. And unfortunately, it put in place an expenditure base we simply cannot afford today. As a result, the government is attempting to bring in revenues to accommodate that spending, but it cannot be done. The people of the province will not pay taxes that will accommodate the expenditure base we have in Ontario today. Consequently, as I described earlier, the expenditures have been about \$10 billion in excess of revenues for the last four years, and now something has to happen.

This government is relying on growth in the economy to bring in more revenues to balance the expenditures. This is a very dubious wish, at best. The growth in the economy this year is expected to be about 3.5%, but as we mentioned earlier, we've already seen very disturbing signs in the economy that there could be trouble ahead. The Bank of Canada today increased its rate to over 7%. The Royal Bank has increased its prime rate to over 8%. These kinds of actions will have a very definite negative impact on the economic future of the province.

The government itself has forecast about a 6% Bank of Canada rate. It made a number of assumptions through 1994-95. One of those assumptions was that the interest rate would be about 6%. Already, just partway through the year, the interest rate is over 7%. We may wonder, what kind of impact will that have? "Who cares? It's just a number; it doesn't mean anything."

But the problem is that it does mean something to people who would buy a house, because it means their mortgage is higher. It means something to people who would buy a car, because the interest they pay on purchasing a car is higher. Naturally, the outcome will be that fewer people will buy houses, fewer people will buy cars and the economy will slow down.

This, I might say, is happening to some degree because of concern about inflation in the United States. The economy of the United States has been doing well for over a year now. It's been well ahead of the economy in Ontario. In the United States they have a more friendly attitude towards investment. In the province of Ontario we have a decidedly unfriendly approach to investment. We have Bill 40, a labour bill.

Hon Frances Lankin (Minister of Economic Development and Trade): Absolute nonsense.

Mr David Johnson: The Minister of Economic Development and Trade is saying this is nonsense. I couldn't tell you, Madam Minister, the number of cases of people who have come forward and expressed concern with regard to Bill 40. For example, the mayor of Mississauga, I recall, took a trip to Europe about a year ago. In England she came across people inquiring about

Bill 40. They were concerned. This was before Bill 40 became law. They inquired as potential investors. They were concerned.

Hon Ms Lankin: It's not what they ask about now.

Mr David Johnson: The minister says, "It's not what they ask about now." How do you know, Minister?

Hon Ms Lankin: I'm out there travelling, talking to them too.

Mr David Johnson: How many investors have turned away and simply don't come to Ontario because they are aware of the fact that Bill 40 exists, and employment equity etc, and say, "I've written Ontario off"? Isn't it a possibility that the reason the economy in Ontario has grown at such a slow rate by comparison, let's say, to the United States—

Hon Ms Lankin: What about in comparison to the rest of Canada?

Mr David Johnson: To the rest of Canada? It hasn't done that well either. The forecast this year is good, but if you look back last year, over the past year or so, it has not been outstanding vis-à-vis the rest of Canada. It's been slower than the United States.

With the concern about inflation in the United States, the tap is being turned off in the United States. I wonder, Minister, from a Canadian point of view, from an Ontario point of view, if growth in the United States slows down, are we going to be able to overcome the impact of higher interest rates we're seeing today from the Bank of Canada and from the Royal Bank? I think there's real cause for concern that we in Ontario have seen our economic recovery. It lasted a few months.

Hon Ms Lankin: We're very trade-dependent on the US; of course we are.

Mr David Johnson: Yes, we are very dependent on the US. If the US recovery, which has been carrying on now for over a year, goes down, we are going to have a problem here in Canada. The problem then becomes that the forecast that was made in the 1994 budget will be incorrect. The forecast in terms of revenue coming in, the forecast in terms of employment, they will all—

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Hon Ms Lankin: All the budgets will be wrong: the Ontario budget, the Manitoba budget, the Quebec budget, and the Canada budget of course.

Mr David Johnson: All right. What you're telling me is that all the provinces will be incorrect. Sure. But I'm elected to represent people in the province of Ontario; I'm not elected to represent people in Manitoba or Saskatchewan or any other province.

What I'm telling you is that this bill says we should borrow \$15.5 billion. My guess is that because of the fact that inflation is increasing, because of the fact that the interest rate is going up, and that's because of federal policies—

Mr Randy R. Hope (Chatham-Kent): Liberal policies.

Mr David Johnson: Liberal policies. My goodness, what a copout.

Because of the view of the economic situation in the

province of Ontario, because of the debt and the deficit of the province of Ontario, because of the labour bill and because of other legislation in the province of Ontario, sadly, we will fall short of our revenue forecast. We will have expenditures that are high and we will need again to borrow more than what the Finance minister has recommended. This \$15.5 billion in all reality, sadly, will probably not be enough at the end of the day.

I guess I could be accused of exaggerating and of being negative. Anybody in opposition is subject to that sort of accusation. I'm sure the Liberals have heard this too, that we're always negative. But what has happened in the last four years in terms of what the Finance minister has forecast, what has happened year after year in each of the four years, is that the deficit has been higher and we have had to borrow more money each and every year for the last four years.

This is becoming a standing joke in the investment community. They don't believe it any more. When the minister issues his forecast, they automatically assume it will be much higher. This has happened not just one year, but this has happened four years in a row.

Hon Ms Lankin: So much less accurate than the federal Tory projections, as I recall.

Mr David Johnson: The Minister of Economic Development and Trade compares the forecast with the federal Tory forecast. I don't care, Minister. Frankly, I could care less about the federal Tory forecast. You are not elected to represent at the federal level. I'm not elected to represent at the federal level. I'm elected to represent the people of the province of Ontario. I don't care about that. My job at hand is the budget of the province of Ontario.

Hon Ms Lankin: So what's your projection? What's the accurate number? You know it. You guys have got it right. Why don't you put it on the table?

Mr David Johnson: I thank you for that. As a matter of fact, to the minister, we have put it on record, and I'm just reaching for it here right now. The minister says, "Put something on record." Well, we have the Common Sense Revolution.

Applause.

Mr David Johnson: I thank everybody for the applause.

Interjections.

Mr David Johnson: I can't hear, Mr Speaker.

The Speaker: The member for Don Mills might find it helpful if he were to direct his comments to the Chair.

Mr David Johnson: I will do that. I apologize if I directed my comments in the wrong location, but I've been requested by the Minister of Economic Development to put forward my analysis.

My analysis for the future is that the people of Ontario will demand that we come to terms with the deficit. The people of Ontario understand that we cannot borrow \$10 billion or \$15 billion each and every year, year after year after year, and add to the debt of the province. That is common sense, Mr Speaker, and I'm directing my comments to you. That is common sense. The people of

Ontario understand that. That's what this document says. This document says that can't happen year after year. If we continue to do that, heaven only knows what's going to happen to the economy of Ontario.

The dollar today is at 72 cents or something like that. The dollar will drop right off the table; it won't be worth nickels and dimes. Interest rates will go up, and unemployment. If the members think we're being kind to the people of Ontario by borrowing more and more today to make a few ends meet today, think of the future. Think of the unemployed in the province of Ontario, because that's exactly what will happen.

When I go to meet with various organizations—

Mr Hope: I remember when the Tories thought about the unemployed and then they cut the UI premiums.

Mr David Johnson: The member opposite is heckling again.

The Speaker: Order, the member for Chatham-Kent.

Mr David Johnson: The member for Chatham-Kent is getting rather excited by this—

Mr Hope: I'm just trying to liven up the debate. It's boring.

The Speaker: Order.

Mr David Johnson: Mr Speaker, I'll direct my comments to you. It was only about a week ago that I participated with Mr Pilkey, the member for Oshawa, and Mr Sorbara, the member for York Centre, on a panel with the Ontario Real Estate Association, and it was surprising to hear this roomful of people and what was just about the number one issue on their minds. Well, there were two issues on their minds, two primary issues that they were concerned about in Ontario, and these are real estate agents from all across the province. These are people who are working on the front line, dealing with people day in and day out.

Their number one concern was with the deficit and the debt of the province. They said: "What are you going to do to tackle that? It's going to be a burden on the province of Ontario for years to come."

The number two issue of the real estate agents was the conduct in this Legislature. Mr Speaker, you would identify with that, because I know this has been of major concern to you, and you have encouraged decorum in this Legislature. The real estate agents indicated to me and to the other two panelists that they are embarrassed by the goings-on in this Legislature, that they are embarrassed by the catcalls and the heckling and the carrying on. As a matter of fact, when we finished this particular—

Mr Hope: It's not a major issue with my real estate agents. Give me a break.

Mr David Johnson: The member for Chatham-Kent says to give him a break. He's not concerned.

The Speaker: The member for Chatham-Kent, please come to order.

Mr David Johnson: I can tell you, the member for Chatham-Kent is not listening to his constituents. My constituents tell me that this is an issue, and I know that within the last couple of weeks we have had students in this Legislature, students who have taken our place,

students who have become parliamentarians for a day in a mock Parliament, and one of their major concerns, sitting up in the gallery watching us in action, again was the conduct of us in this Legislature. I have to say that all three parties are at fault, but we all need to stop and look at that and conduct ourselves more appropriately.

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I digressed. I was asked by the member, the minister from Beaches-Woodbine, with regard to what I would suggest, what my analysis is. My analysis of the economy and of the financial situation of the province of Ontario is that we need a major change.

Mr Len Wood (Cochrane North): Ontario's the best in North America.

Mr David Johnson: My friend the member for Cochrane North says, "Ontario's the best in North America."

Mr Wood: The economy is picking up, everything is booming.

Mr David Johnson: I think we have the potential to be the best, and in many instances we are the best, but we have an enormous debt and we are not going to continue to be the best unless we deal with the deficit and the debt.

Mr Wood: The debt is coming down and people are starting to work again.

Mr O'Connor: Let's get people back to work.

Mr David Johnson: Mr Speaker, I will attempt to address my comments to you. I'm being told that the debt is coming down.

Mr Wood: The NDP plan is working.

The Speaker: Order.

Mr David Johnson: The debt in the province of Ontario at the beginning of this fiscal year was \$80 billion. At the end of this fiscal year, it will be over \$90 billion. In my mathematics that I was taught in the Greensville public school outside the town of Dundas, 90 is bigger than 80. The debt is going up. The debt is going up year after year after year. It's gone up from \$45 billion when the member for Cochrane North took office to over \$90 billion at the end of this year. The debt is going up.

Mr O'Connor: The operating deficit is coming down.

Mr David Johnson: And the operating deficit is coming down.

Mr Wood: The Common Sense Revolution doesn't make no sense.

Mr David Johnson: The operating deficit, I'm being told, is going down. Well, that's true; the deficit is going down. It's gone down from \$15.5 billion in one year, in 1992, to about \$12 billion last year, and \$10.5 billion is what we're going to borrow this year to pay—

Hon Ms Lankin: I thought you were talking about the operating deficit. Let's get your numbers straight. You are talking about operating requirements.

Mr David Johnson: All right. I'm talking about the capital. I've been caught out. But Madam Minister, this is what has to be borrowed.

Hon Ms Lankin: You started off talking about the operating deficit. Get your numbers right.

Mr David Johnson: All right, I apologize. But I will say that what has to be borrowed in Ontario, according to the Minister of Finance, under his assumptions, is \$10.5 billion this year to cover operating and capital requirements. Yes, to the members opposite, it was higher than that the year before, it was about \$12 billion, and the year before that it was about \$15.5 billion. Isn't that something to brag about? We have reduced in the province of Ontario our borrowing requirements from \$15.5 billion in 1992 to \$10.5 billion in 1994. Now there is a major contribution to the economic community in Ontario. Yes, it's come down.

There isn't a person in Ontario (a) who would say that it should ever have been as high as it has been, and (b) who wouldn't say it should have come down a whole lot faster than it has come down. It's ridiculous.

Mr Hope: They still want more money, though, right?

Mr Wood: Ontario is a proud place to live in.

Mr David Johnson: I'm proud of Ontario, I say to the member for Cochrane North.

Mr Wood: It's working good.

Mr David Johnson: He says, "It's working good." I don't know how it sinks in. When we have a \$90-billion deficit, when we're having to go through the social contract business of last year, when we're having to cut, cut, cut because almost \$8 billion of our hard-earned tax dollars are simply going to pay the interest, is that good?

Mr O'Connor: To protect 40,000 jobs.

Mr David Johnson: I'm being told that it's good that over the last two years an extra \$2.7 billion is going simply to pay the interest on the province of Ontario.

The Speaker: Order.

Mr Wood: We've finally got things under control, and now you're criticizing us.

Mr David Johnson: I'm being accused of criticizing the NDP when they've got everything under control. If this is under control, Mr Speaker, I'd hate to see out of control. What would be out of control?

Mr O'Connor: Show us that picture of Ronald Reagan again.

Mr David Johnson: All right. I'm being prompted by the member from Durham-York to show the Common Sense Revolution. I digressed. I'm getting so many comments from the other side that it's difficult not to digress.

Just to complete my analysis of what has to happen, what has to happen is we need a major change. We have got to reduce our expenditures, the expenditures that were increased at an enormous rate during the years when the Liberals were in government. I will give the NDP some credit that they have increased expenditures but not to the same degree that the Liberals did. In terms of expenditure increases, the NDP has actually been better than the Liberals, but the expenditure base is too high.

Mr Alvin Curling (Scarborough North): With a deficit like that?

Mr David Johnson: I'm talking about expenditures, and the expenditures under the Liberal regime increased by two and three times the rate of inflation. We need to decrease the expenditures in Ontario. That's what the Common Sense Revolution says. It says we should decrease the expenditures by \$6 billion over three years. Over a three-year period, decrease the expenditures.

That may seem draconian, but in actual fact, if we went back to 1985 and we took the expenditures in Ontario and we adjusted for inflation and we adjusted for population growth in the Ontario, today we spend \$8 billion above that, more than that.

Mr Stockwell: No. That's incredible.

Mr David Johnson: That's incredible, says the member for Etobicoke West, but it is absolutely true. We spend \$8 billion over and above what we spent in 1985, adjusted for inflation and adjusted for population growth. A \$6-billion reduction in expenditures still leaves us \$2 billion above the real spending in 1985. So it's not as drastic as it might seem.

To balance the budget, we need expenditure reduction, but in Ontario we need to reduce the taxes, and that's the number one plank in the Common Sense Revolution. We need to reduce taxes: a 30% reduction in the personal income tax. The members opposite, I know, will smile and say, "A 30% reduction; that's ludicrous."

Mr Speaker, do you know that a 30% reduction just brings us down to the present state in the province of Alberta? That is how much out of whack we have got with the other provinces.

Mr Stockwell: That would seem to indicate we're not competitive.

Mr David Johnson: We are not competitive. I'm being told we are not competitive, and that's exactly correct. We are about 30% higher in personal income tax than the province of Alberta when you consider the surtax and the personal income tax. That's the number one plank. The number two plank is to reduce expenditures. The number three plank—the minister is leaving; she asked for my analysis and I'm giving my analysis, but the minister's—

Hon Ms Lankin: I will note every time you're in and out of this House yourself.

Mr David Johnson: I didn't name you. I just said "the minister." A little thin-skinned there, aren't we?

Mrs Marland: She did ask you.

Mr David Johnson: She did ask. You're right; she did ask.

In terms of the third point in the analysis, in the province of Ontario we desperately need to reduce the red tape and the payroll expenses, the burden on our businesses. I know our members, such as the member for Wellington, who has joined us here tonight, who has been co-chair of a task force meeting with businesses across the province of Ontario in many different jurisdictions, has found that we need to reduce the burden on our business community.

What does my analysis say? What does the Common Sense Revolution say? It says we should reduce the

employer health tax for small businesses under \$400,000 in payroll. Do away with it. Let them expand and grow and create jobs. That's where the jobs are going to come in the province of Ontario, in the small businesses. But they need to come out of the burden of taxation that they're suffering from at the present time. So eliminate the employer health tax.

Reduce the workers' compensation premium: We have in the province of Ontario the highest workers' compensation premium of all provinces.

Mr Hope: I thought you said you didn't want to go after the unemployed.

Mr David Johnson: I'm saying reduce the premiums.

Mr Hope: You can't have one without the other.

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Mr David Johnson: The member for Chatham-Kent has to understand the difference between premiums and payouts. We have the highest premiums of all the provinces in Canada, and this is a burden. Understand that this is a burden on our business community.

We need to put a freeze on Ontario Hydro rates for five years. For many of our businesses, Hydro rates are a significant proportion of their budget. I can attest to that, having been a member of the East York Hydro Electric Commission and having heard many businesses come to me and explain the problem of the high increases we've had over the last several years on hydro rates. We need—

Mr Sutherland: Whose fault was that?

Mr Stockwell: It's a fact, Kimble.

The Speaker: Order.

Mr David Johnson: The member for Oxford is saying, "Whose fault is that?"

Interjection.

The Speaker: The member for Oxford is out of order.

Mr David Johnson: They're being very rowdy. You know, it is a favourite ploy of the government to say, "Whose fault is it?" Does it matter at this point? I could say it's the fault of the NDP; I could say it's the fault of the Liberals; you could say it's the fault of the Tories. The reality remains that our businesses are suffering in the province of Ontario. Let's not worry about whose fault it is.

Let's not worry whose fault it is that the WCB premiums are high and Ontario Hydro rates are high; the situation begs for a change. We need to address the high burden on our businesses. We need to let them expand and grow, and they're not going to grow with the heavy burden that's on them, regardless of whose fault it is.

Mr Hope: Put natural fertilizer on them; they'll grow.

Mr David Johnson: That is a witty comment: "Put fertilizer on them and they'll grow." I mean, that is really helpful. I hope the member will stand in his two minutes and make that suggestion. Business in the province of Ontario doesn't need lower WCB premiums, which are the highest in Canada, they don't need to have Ontario Hydro rates frozen; what they need is to put fertilizer on them. This is a wonderful contribution to a serious situation.

Mr Hope: The document that you make reference to is natural fertilizer.

Mr David Johnson: I was asked for my analysis. That is my analysis. That's the analysis of the Common Sense Revolution of what's required. If those kinds of steps are made, we will have in place an economy in the province of Ontario where businesses will be able to grow, where businesses will create employment. We estimate 725,000 new jobs. That is what's required in the province of Ontario, and that is my analysis.

If it was just my analysis, I'm sure I would deserve all the heckling I'm getting from the other side of the House, but let me tell you about the Canadian Taxpayers Federation.

Mr Martin: Another progressive group.

Mr David Johnson: Oh, you don't like them either. You know, I have this suspicion that whatever group I mention—I could mention the Canadian Federation of Independent Business. Let's hear it.

Mr Martin: Another progressive group.

Mr David Johnson: "Another progressive group." I could mention the Ontario Chamber of Commerce.

Interjections.

Mr David Johnson: You know, I could mention any one of these groups which happen to agree with the kind of message—in other words, reduce taxes, reduce government expenditures, reduce the red tape, reduce the burden on business. All of these organizations agree with that message. They're non-political organizations—

Mr Hope: Non-political?

Mr David Johnson: Are you accusing them of being political? I'd like to see you stand up—they're non-political, in a sense, non-partisan. They're non-partisan. They're not Conservative; they're not Liberal; they're not NDP; they're not any party. They do an independent analysis.

The problem is, when they do their analysis—and they represent tens of thousands of businesses in Ontario and Canada—they happen to agree with the message that we're putting forward. They don't agree with the message that this government is putting forward, so that means they're progressive or that means they're political or that means they're evil or whatever. But the reality is that they recognize the dire straits that we're in in the province of Ontario.

I have a document now from the Ontario Taxpayers Federation, which is associated with the Canadian Taxpayers Federation. They recommend a program with two phases, and the first phase is to balance the budget.

The bill that we're talking about tonight recommends that we borrow \$15.5 billion to balance the budget. The Ontario Taxpayers Federation says we should do that without borrowing any money. We should simply balance the budget—as do the municipalities, in response to an earlier question tonight. Municipalities have to balance their budgets. The Ontario Taxpayers Federation says that we should have to balance the budget here in the province of Ontario.

They say we should do that within three years: We

should have a plan to reduce expenditures to the point that we can balance the budget in the province of Ontario in three years, and then, beyond that, there should be a requirement that there be no deficit. This would be a mandated requirement of the province of Ontario, that we cannot run a deficit in the province.

I think they are on the right track. I think they know what they're talking about. There may be different ways of doing it, but I think their basic thrust is bang on. This is something I'd like to see a poll on. Question the people of the province of Ontario, and I'll wager you that the majority of the people would say: "They're right. This should be done. We should balance the budget and then we should bring in legislation that would require the budget to be balanced each and every year."

Mr Hope: Ask how many hospitals they would like closed, or how many schools they would like closed.

The Speaker: Order.

Mr David Johnson: It doesn't sink in.

This coalition also recognizes that tax hikes should not be allowed unless supported by a majority of eligible voters in a binding referendum. So there would be no tax increases unless there was a referendum across the province of Ontario. You know, that's—

Mr David Turnbull (York Mills): The democracy thing.

Mr David Johnson: That's right. The member for York Mills has said that's really revolutionary, you know; that's what's called democracy. We wouldn't expect that this government would understand that comment or that concept, to give the people the right to vote on taxation.

There's another recommendation in here that I found particularly interesting—I'll just see if I can find it—that if the government does not meet its mandated requirement to balance the budget, there would be fines for the ministers involved. I just wish I could lay my fingers on it here right now. The Premier and the ministers involved would incur a fine. The first year would be a 15% reduction in salary.

This is what happens in private business: again, a foreign concept to this particular government. But many business people have their salaries linked to the performance of the companies they represent. If their companies are successful, then they draw higher salaries. If their companies are not successful, they draw a lower salary. The coalition of taxpayers in Ontario is saying, "Apply that to government." The government must balance the budget; that's their target. If they don't do that, then in the first year the Premier and the cabinet ministers take a 15% reduction in their salaries. If they fail to do that two years in a row, they take a further 10%, and from there on, 10% each year for failing to balance the budget.

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I suspect that the members opposite—

Mr Turnbull: These ministers would owe the people money.

Mr Bruce Crozier (Essex South): They would all have resigned.

Mr David Johnson: Well, they would have. My

colleague for Essex South says, "They would all have resigned." My colleague for York Mills says they would owe the government money by this time. But the point is that we would see real action. You know, the members opposite say: "How would we do that? What schools would be closed? What health programs would be cut?" These are the kinds of questions. But, you know, with a little incentive like that—and it may be a bit drastic—I'll wager you that the members opposite and the cabinet would balance that budget. Municipalities do it year after year, each municipality, 800-and-some-odd municipalities in the province of Ontario.

I'm sure that the members are going to say: "Well, the municipalities have an easier job. They don't have the health problems and the welfare problems. It's easy for municipalities to balance their budget." Well, I can tell you, having been there, Mr Speaker, for 20 years in a municipality, it's not easy. It's not easy, but we do it. We have to be realistic. We don't come out with forecasts such as the Minister of Finance has come out with the last four years that don't stand the test of time. We have to be realistic in our forecasts, and we balance our budget; all municipalities do.

And municipalities do deal with welfare. I can tell you, having served on the Metro council, that one of the largest components of the budget of the Metro council—unfortunately, it has become that way, since this government has taken office, at any rate—is the welfare component, welfare payments. Over the last four or five years, the number of welfare cases in Metropolitan Toronto has quadrupled, from about a 30,000 case load to about a 120,000 case load. About 20% of welfare costs of the Metropolitan Toronto budget come out of municipal budgets across the province. That budget has been under duress. As the Metro council, we have had to find that money, balance that budget, deal with those welfare cases. It's been difficult, but we've been able to do it. Now, why can't the province of Ontario do the same thing? It only makes sense.

So that's what's being proposed by the Ontario Taxpayers Federation. That's foreign to this government, but 50 of the 52 states in the United States have legislation. I suppose if it comes from the United States, then this government would say it doesn't make any sense.

In the United States, various states—and I said 50 out of 52—for example, in alphabetical order, to start with Alaska, Alaska has a limit that the yearly growth of the appropriations—in other words, the expenditures—may not exceed the percentage increase in the population and inflation.

Laughter.

Mr David Johnson: Now, the members find this humorous. The members opposite, the NDP, find this humorous, that Alaska would limit the expenditure growth to the rate of growth of the population and inflation. The members find it humorous or sad, one or the other.

Mr O'Connor: It's the popcorn; none of this is funny.

Mr David Johnson: Oh, none of this is funny? All

right. Something else is funny. Something else is sad.

But that makes sense. If we had a restriction in the province of Ontario of that nature, then our expenditures in Ontario would be considerably reduced. There would be a greater need to find efficiency within the bureaucracy in the province of Ontario, and we'd be further ahead. We wouldn't have the debt. We wouldn't have a \$90-billion debt today.

The state of Arizona: appropriations of this state—thank you. What do we have here? Popcorn. I'll have that in a few minutes. I'm winding down. The state of Arizona has limitations that its appropriations of the state tax revenue shall not exceed 7.23% of state personal income. In other words, it assesses the income in the state of Arizona, and the taxes cannot exceed 7.23%. Don't ask me how they came up with that number, but they did. They gave this some thought and they came up with a limitation on the taxes and the spending.

Mr O'Connor: Can you compare all the services we provide in Ontario to Arizona? Is that you're doing?

Mr David Johnson: The member opposite has a magical impression that he can spend and spend and can afford any service that comes into his mind: "Don't worry about the future. Don't worry about the fact that our children are assuming all this debt."

Mr O'Connor: Tell us how many times the Tories balanced the budget in 42 years. Go ahead, spill the beans.

Mr David Johnson: Now the criticism has changed to, what did the Tories do over 10 years ago? I don't know what the Tories did 10 years ago. Why is that of any interest here?

Mr O'Connor: They never balanced in 42 years, that's why. They didn't do it.

Mr David Johnson: Surely we're interested in 1994. Surely we're interested in the future of this province. Surely we're not interested in 1985, 1984, 1983. Surely we're interested in what we have to come to grips with, the problems that we face today: the overexpenditure, the overtaxation, the overburden on our business community. Those are the problems that we have to come to grips with, not what we did in 1982. Who cares what we did in 1982? What are you going to do today? We have a plan of what we're going to do.

Mr O'Connor: Show us that picture of Ronald Reagan again.

Mr David Johnson: I'm not going to show you. You just hoot and holler when I show you that.

I'm going to close with one more observation, and this has to do with the level of taxation again. Because we are borrowing so much money, because we are spending so much money, the level of taxation in Ontario is very high. Indeed, there have been steps taken to increase the level of taxation, but of course that doesn't work. What happens is that when you tax and tax and tax, eventually people say, "That doesn't make any sense," they stop paying taxes and the underground economy flourishes.

In the home building industry, for example, by the estimate of the Ontario Home Builders' Association, 41% of renovations to homes are underground; no taxes paid.

Why? Because people feel that the level of taxation in Ontario is too high, doesn't make any sense, and they don't feel at all poorly about avoiding taxes. It's a sad situation, but it's happening.

I was approached about three weeks ago, I guess it was, by the economic development division of Metropolitan Toronto. These people are concerned about what's happening in Metropolitan Toronto. I might add, that same concern could be registered in the whole province. What's happening is that we have a vacancy rate in this area of Metropolitan Toronto in the office buildings of about 25% to 30%; 25% to 30% of the space is vacant, cannot find any—

Mrs Marland: They still built a new WCB building.

Mr David Johnson: As the member for Mississauga South says, "They still built a new WCB building." Even though we've got all that vacant office space, no businesses to take up that space, yet we still have a new WCB building. But the point is, we have vacant office space, vacant industrial space and vacant business space, not only in downtown Toronto but throughout Metropolitan Toronto.

The mayor of North York is very concerned about the empty office and industrial space in the city of North York. This is true, I know, from my former association with the borough of East York. We were most concerned with the empty office and industrial space. In one industrial area in East York about one third of the buildings were empty, with no prospect of filling those buildings.

The economic development division of Metropolitan Toronto came to me and said that one of the problems, one of the disincentives—again no surprise—is the level of taxation we have in Metropolitan Toronto. They showed me a chart. I have the chart they showed me right here, and I'd be willing to share this with any member who's interested. This chart shows the income tax, the property tax and the sales tax—the three taxes—of a family with an income of \$100,000. That is higher than the average family, but this is in Metropolitan Toronto, many of the people they're trying to attract to fill the office space in particular. This is a family income, a husband and wife, of \$100,000 annually.

If you can see this chart, you will see that with one exception, Toronto is the highest-taxed city of all the cities that are being compared in that range. I'm sure that range would extend well beyond that particular income level. They compare it with Calgary, Vancouver, Detroit, Atlanta, Boston, Chicago, New York. They compared it with New York City. If the family earns \$100,000 in New York City, they lose about \$30,000 to income tax, property tax and sales tax.

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Mr Martin: What do you mean, lose?

Mr David Johnson: Well, they pay. In Toronto it's almost \$50,000. There's about a \$20,000 difference. That's the difference.

Mr Martin: That goes into services they benefit from.

Mr David Johnson: Semantics. I'm telling you, there's a \$20,000 difference between Toronto and New York City. Washington, Houston, Dallas, Tampa—cities

that businesses here in Metropolitan Toronto have to compete with. They have to compete with Los Angeles, San Francisco, Tampa and other cities.

Mr Martin: Tell us about the advantages.

The Speaker: The member for Sault Ste Marie is out of order.

Mr David Johnson: The employee in this particular example has a family income of \$100,000. They pay \$20,000 more in taxes in Toronto than they do in New York City.

Mr Callahan: Think of the crime they've got, though, David.

Mr David Johnson: Look at the crime, the member is saying, but you can talk about any one of these cities. The point is we are not competitive. I see the Minister of Economic Development and Trade. Please send me some statistics, if you have contrary statistics, Madam Minister. I'm not making these up. I'm going to send you a copy of this tomorrow. This is a document from Metropolitan Toronto.

Mr Perruzza: Please don't. We get enough junk mail as it is.

Mr David Johnson: The member for Downsview is hollering again. The cover is blue, but this is a document of Metropolitan Toronto. This was not made by the Progressive Conservatives; this is Metropolitan Toronto. You represent a part of Metropolitan Toronto. You should be interested in this. The member for Beaches-Woodbine represents Metropolitan Toronto. These are your people who are bringing this to your attention.

You should be sincerely concerned. Is it any wonder we have a 25% or 30% office vacancy rate here in Metropolitan Toronto? The mayor of North York is concerned about the huge amount of industrial space that's vacant because the taxes are enormous. Here is a document from Metropolitan Toronto.

Mr Wood: Forty-seven years of Conservative and Liberal construction. That's why you've got the vacancy rate.

Mr David Johnson: What am I being accused of now? Mr Speaker, could you ask him to simmer down a little bit?

The Speaker: The member for Cochrane North, please come to order.

Mr Perruzza: He's just got to blow a little steam off with this guy.

Mr David Johnson: Well, could he go outside and howl at the moon or something? I can't even hear myself think.

Mr Wood: Nobody has been listening to you for the last hour anyway.

Mr David Johnson: Well, if you're not listening, you're sure doing a lot of hollering for nothing, for Pete's sake.

Mr Wood: You've been doing a lot of talking for nothing.

The Speaker: The member for Cochrane North, please come to order.

Mr David Johnson: I'm sure to great applause, I'm just about to sit down, but the point is that Bill 159 is borrowing all this money, adding to the operating costs of the province of Ontario, causing the government to have to increase taxes. It's a vicious circle. It goes around and around. Taxes go up. When taxes go up, as is displayed in this document, then what happens? Businesses become uncompetitive, businesses can't attract people, and then we have a 30% vacancy rate in office space, we have industrial buildings by the score that are vacant. Who does that help? That means jobs are lost, the economy suffers problems.

Mr Perruzza: It's Ontario taxes that caused the global recession. That's what it is. Blame it on Ontario taxes.

The Speaker: The member for Downsview, please come to order.

Mr David Johnson: So what do we do? We blame the rest of the world.

Mr Perruzza: On a point of order, Mr Speaker: It's not clear to me. Is he saying that the Ontario tax structure caused the worldwide recession?

The Speaker: The member does not have a point of order. Will he please take his seat. The member for Don Mills may continue.

Mr David Johnson: Obviously, everybody knows I'm not saying that. That's a ridiculous thing to say. What I'm saying is that the problems we're experiencing here in Ontario—sure, I would be taking leave of my senses if I said there wasn't some impact from the recession that has occurred through the whole global economy. But I can tell you that the United States has come out of this recession much faster than Ontario has, and the reason is because the deficit, the debt, the burden, the labour bills, the legislation we have in Ontario have discouraged investment, have discouraged growth in the province, and until we realize that, we are going to continue to suffer.

We are going to continue to have over 10% of the labour force unemployed, we are going to continue to have deficits each and every year of over \$10 billion. The debt of the province of Ontario is going to continue to climb by over \$10 billion a year, and what a mess. The people of Ontario understand this. Why do you suppose the polls show that the government is about, what, 14% in the polls? There's a reason, there's a linkage there. The people of Ontario understand that.

With that, I will end my comments, and I thank you for the opportunity.

The Speaker: I thank the honourable member for Don Mills for his contribution to the debate and invite any questions and/or comments. The honourable member for Downsview.

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Mr Perruzza: The only thing I really want to point out with respect to the member's comments is that we often sit here and listen to all the woes and all the gloom and doom about these taxes and about our tax base. All of that is intended to discourage people and depress people and really get people down, and to do essentially what he said: to get political parties down to 14%. I

understand that's what the opposition's role is, but every once in a while it would be refreshing to have one of the Conservative or Liberal members come into this place and really tell it the way it is and argue on the basis of what's really happening out there and what's happening in the world, what's happening in Ontario and what's happening in the rest of Canada.

I would be remiss not to say, and I believe this, that taxes essentially hold economies from growing at rates that—if people get to keep the money, they get to do things with their money and so on and that might motivate the economy to grow a little faster. But to simply come into this place and say day after day after day how bad things are is just inflating and inflaming the situation far beyond what is needed.

I realize it's nearly midnight and that particularly at this hour sometimes we become a little distracted and lose our focus, so I'm not going to point a finger at the Conservative member who just spoke. I simply say you came in here and just threw a bunch of hogwash on the table and really didn't make any sense, given the late hour.

Mr Crozier: I was concerned that the Finance critic from the Conservative Party would repeatedly say information that was incorrect. He referred to the growth in spending a few years back, and I want to very quickly tell you some information from our Finance critic, Gerry Phillips.

The average deficit of the Tory governments from 1981 to 1985 was \$2.7 billion. The average Liberal deficit from 1986 to 1990 was \$1.9 billion. The average NDP deficit from 1991 to 1993 was \$11.14 billion. But it gets more interesting, the percentage of growth in spending that our friend alluded to: The Tories' growth in spending was 11.3%, the Liberals' 9.9%, which was less, and the NDP's is 5.3%, which is considerably less than what he said. The average growth in debt in the five-year period for the Tories was 11%; the average growth in debt for the Liberals was 5.1%.

I just wanted to read those into the record. The information from our critic may be a little more accurate than his.

Mr Turnbull: As always, my colleague the member for Don Mills has brought some cogent comments to this debate, and the debate is about a bill which proposes to borrow \$15.5 billion, admittedly for a period of more than a year, but it's a very serious indictment on this government that we are now borrowing at this kind of rate.

Just the other week I was in discussions where it was pointed out that Ontario is having more and more difficulty in placing large amounts of money. They're having to make their bond offerings overseas in ever-smaller amounts of money, and that reflects the international community's concern about the fiscal management of this province. By the time this government is out of power—according to the government's own numbers, not something we're making up—we're going to be some \$100 billion in debt, and that must be one of the most ringing indictments possible.

The fact is that Ontario, in the few years since the Conservatives were in power, is now proportionately more indebted than Canada itself; Canada is 84% relative to GDP, and Ontario is 84.9%. These numbers are available in the publication which came from the Fraser Institute just a few weeks ago.

Mr Sutherland: Another neutral think tank.

Mr Turnbull: That is typical. You see, the government doesn't like the numbers, so it wants to challenge the source. We have never, ever heard them refuting number by number, because they know they can't. The fact is, we're massively indebted.

Mr Callahan: I want to say that the accumulated deficit, as I explained before to people watching this program, is kind of overspending your chequebook—I'm sorry, the annual deficit is overspending your chequebook. The accumulated deficit is what you stack on top of the stuff you spent in the years before.

We require in this Parliament and in the Parliament of Canada a non-partisan finance committee. We heard all sorts of private bills tonight; my good friend the member for Halton North got his environmental bill through. I urge this government, if you really want to do something spectacular—and I guess I'm speaking for your government, or for our government if we form the government, or, God forbid, if the Tories form the government—we have to have a finance committee that is non-partisan, that allows us to meet as a group and say, "How are we going to deal with this horrible cancer?" If we continue to deal with deficits in terms of partisanship, we haven't got a prayer.

We haven't got a prayer because what will happen is that all the people on that side and all the people on this side will eventually disappear, be replaced by other politicians who will do nothing for the people of the province of Ontario in terms of dealing with what is really an albatross around the necks of our children and our grandchildren. If there's one thing I want to do before I leave here, it's to ensure that those young people have a shot at the same Ontario that you and I, in our wisdom and age, had.

Finally, I want to say to the member for Don Mills that I think you are having fun. It's interesting to see people come here, neophytes from the municipal level, who have not been bound by party politics or partisanship, who are able to contribute to this Legislature, and I hope to heck you don't get—I can't use the word "bastardized," but that's the appropriate word.

The Speaker: The honourable member for Don Mills has up to two minutes for his reply.

Mr David Johnson: I'm not sure what to make of that last comment. I was going to congratulate the member for Brampton South for another fine speech in terms of not putting this on a partisan basis and saying we should think about our children and our grandchildren and that sort of thing. That's really the essence of what this debate is all about. Right up there until the end, when I don't know what exactly you were getting at, I was with you 100%. But still, I thank you for those comments.

I thank the member for York Mills for his comments. I thank him and congratulate him for having brought through successfully, earlier this evening, a protection bill for tenants in the province. That's going to be a credit, certainly, for him.

The member for Downsview, who has left now, says I should talk about what's happening today in Ontario. Well, what's happening today in Ontario is that the Bank of Canada rate went up by .68 percentage points to over 7%; that's what's happened today, and the Royal Bank of Canada has put its rate up to 8%.

Mr Callahan: The mortgage rates are going up.

Mr David Johnson: The mortgage rates are going up. That's what's happening today.

I'm not making this up. My speech is primarily based on the budget of the Minister of Finance and on information from Metropolitan Toronto and other organizations. If he doesn't like that, that's not my problem.

I thank the member for Essex South for his suggestion, but I would refer him to page 16 of the budget of the Minister of Finance. I may take issue with how the budget is put together, but I think the information in the budget is precise. On page 16 the Minister of Finance shows the spending—and I was talking about the spending of the various parties—and shows that in terms of real spending, the Liberal Party, according to the Minister of Finance, was the big spender of all three parties.

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Mr Turnbull: The seriousness of borrowing the amounts of money that we have been borrowing cannot be overestimated. Unfortunately, what we're doing is we're moving all the problems we have today to our children and their children. The government has heckled my colleague the member for Don Mills practically throughout his speech. They don't seem to understand how important it is that we resolve our problems now, this generation at this time. If we don't have the money, don't spend it. It isn't fair. We have to tighten our belts.

That's what households do. That's what people have been telling us all across the province that they've had to do with their own businesses. Businesses have had to learn to spend a lot smarter and to work in different ways. It's a fact of life in the 1990s, but this government hasn't learned that lesson. This government has in fact taken us, as I mentioned in the response to the member for Don Mills, from a position of relatively low debt to a very serious debt problem: \$100 billion is very serious. We are now relatively more indebted when you gauge it against the gross domestic product than the federal government.

Mr Callahan: The Tories started it.

Mr Turnbull: Now, the interesting thing is that the Liberals, who are heckling at the moment, are the biggest spenders, because, in fairness, this government inherited a mess from the Liberal Party. Most of the expenditures they were faced with were expenditures which were started by the Liberals in those five drunken years that they were in power, when they brought in 33 tax increases.

Now, think about it. You've got record revenues.

Revenues have never gone up at the rate they did during the time the Liberals were in power. Yet notwithstanding that, they increased taxes 33 times, some of which this government has in fact withdrawn, and I applaud the government for this. But as well as that, the Liberals added to the debt at the same time.

I'm not a great fan of Keynes, but in fairness to John Maynard Keynes, he did say that "You prime the pump during the bad times and you pay back in the good times." But the Liberals were in the best of times, and the thought of paying back never even entered their head. We get heckles from the Liberals. Of course, they don't like this kind of talk, but the facts are that, yes, they had one balanced budget, but that one balanced budget, and I've mentioned it many, many times, was a year that they budgeted for a deficit.

And what happened? They'd budgeted for a deficit of some \$550 million, and then the federal government gave them an unusual transfer. The economy was so overheated at that time that the federal government transferred \$888 million that year. Math would suggest that they should have had a \$300-and-odd-million surplus, but they didn't. They had a \$90-million surplus, and that is their good government that they point to. It was a mere fluke. It was a mere fluke that they got the money from the federal government. Otherwise they would have been even more in the hole than they had budgeted, because they didn't even show the amount of money, \$888 million less the \$550 million; they just showed \$90 million.

Mr Stockwell: Ten billion in five years.

Mr Turnbull: Adding \$10 billion to the provincial debt in the best five years this province has arguably ever known. There were provinces all across Canada—

The Speaker: Point of order? The honourable member for St Catharines.

Mr Bradley: I have a point of order. I was wondering, Mr Speaker, if you had heard the member for York Mills, as I thought I heard the member, say that the reason all this money was spent was at the behest of the Progressive Conservative Party. Did you hear that?

The Speaker: What I didn't hear was a point of order. The member for York Mills has the floor.

Mr O'Connor: I think I heard that too.

Mr Turnbull: I suppose the federal Tories were certainly sorry they transferred that money, for the amount of gratitude they got from the provincial Liberals. I seem to remember, reading the papers at the time, the premiers from western Canada were complaining at the measures the federal government was having to take to try and dampen down the economy because of the unreasonable fiscal measures the provincial government in Ontario was undertaking. They damaged the actual fiscal fabric of Canada by their reckless spending, and of course the happy recipients were the NDP. I'm sure they'll for ever be in your debt, Liberal Party, for what you gave—

Mr Stockwell: We'll for ever be in their debt.

Mr Turnbull: Yes, indeed. The taxpayers will be for ever in debt as a result of that.

We have \$100 billion worth of debt admitted by the government, but in addition to this, this government has done an awful lot to hide debt. I'm not quite sure what they think they're achieving by it, because there is no doubt that the bond rating agencies don't buy their act. They have clearly stated that by downgrading the government's debt repeatedly.

We've got to the point that any more downgrades and many lenders in the world will be precluded from lending to this government simply by the ground rules which govern them. That would be a wing-clipping that this government perhaps should have had. But the fact is that the beat goes on and the people who pay the taxes are the ones who will suffer from the acts of the government.

Let's be very clear that there is no political party in this province, probably in the country, whose hands are completely clean in this. We've just got to live within our means. I'm not pointing at just the Liberal Party or just the NDP; I think all parties have taken some and deserve some blame for the debt we've got.

But the fact is that we now have our children burdened with a debt which is almost beyond belief. It's a number which I think people have to write down to see how many zeros go after it. The bond rating agencies are very, very concerned about this. The fact is—

Mr Stockwell: How long to pay it off? That's the scary thing.

Mr Turnbull: My colleague from Etobicoke West talks about how long to pay it off. Let's just think in terms of debt buildup. A couple of years ago—I have the figure off the top of my head—the amount of borrowing that this government was doing per man, woman and child was \$100 per month. The government was borrowing, on behalf of a family of four, \$400 a month. Let's just think about what—and I see one of the NDP members across the floor who's leading this debate for the government nodding his head. The facts are absolutely irrefutable: You were borrowing \$100 a month per man, woman and child in this province. Imagine what the people of this province could have done with that money if it had been in their pocket. They, I believe, could probably have done a better job of spending the money than the government did. With our plan, the Common Sense Revolution, we certainly intend to let the people of this province decide how they're going to spend the money.

The fact is that there are political parties of all political persuasions that have done the right thing across the world. We see in New Zealand, Mexico and Britain governments that have tackled these knotty problems, that have come to terms with debt and have reduced debt and have stopped deficit spending and said, "Let the people spend the money themselves."

Interjection: It was the Labour Party in New Zealand.

Mr Turnbull: It was indeed the Labour Party in New Zealand that did it, a socialist party, but it did the right thing. It cuts across all lines. You can do it if you want to, but unfortunately we see no signs from this government of any inclination to want to do the right thing. You just want to keep on spending.

It's very interesting that the Minister of Housing should be in the House tonight, because if we're ever talking about a profligate department which is wasting the taxpayers' money, indeed it is this ministry, a ministry which has built up an enormous debt. It is very difficult for future governments to come to terms with what you have done, because you have financed buildings 100%. You haven't put capital in; you've borrowed the money. And you have overspent on the buildings you have built. So now these buildings are mortgaged to more than the value of the buildings. So future governments are saddled with this problem. You don't even have the keys to the door, because you don't own them, and yet you have saddled governments with the expenditures. That is one of the great challenges that future governments are going to have to come to terms with.

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In the meantime, the government goes out and borrows \$15.5 billion as if this was just pocket money for the weekend. Well, Mr Speaker, this is more than pocket money. This is debt which will take years and years and years of governments being very frugal to be able to pay off; and the government members will argue.

Let's just put it in these terms: If any of you had children who took your credit card and went out on a spending binge and then came home and said, "I'm not going to pay it; I'm leaving it for you to pay," I don't think you'd be too happy with it. That's exactly what you have been doing with your government. You have been on a spending binge with no responsibility to the people who have to pay the bills.

Hon Ms Lankin: Come on. Let's have some honesty in this debate.

Mr Turnbull: I hear the Minister of Economic Development and Trade talking about, "Let's have some honesty in this debate." This is honesty.

The fact is, you're building debt at a rate which is totally unacceptable. Not only is it unacceptable to the taxpayers of this province but it is unacceptable to the international lending organizations. This is why you are having so much difficulty launching your debt around the world. It will progressively be more and more difficult, and it won't be your party that will be around mopping up the mess; it will be another party.

Mr Sutherland: Here comes the arrogance.

The Speaker: The member for Oxford is out of order.

Mr Turnbull: He's also out of his mind, but that's another thing altogether.

Mr Sutherland: On a point of privilege, Mr Speaker: Earlier today, the member for Mississauga South, who is a colleague of the member for York Mills, got up and talked about imputing motives and personal comments about people. I would ask you to ask the member for York Mills to retract his last comment. If he wants to espouse his Thatcherite views, that's one thing, but he shouldn't be personally insulting.

The Speaker: Will the member for Oxford take his seat. Indeed, I did not hear the alleged comment because I was busy trying to bring the member for Oxford to order.

Mr Turnbull: Mr Speaker, in fact I did say he's out of his mind, and I think it's totally inappropriate. It's questionable whether he could have been out of his mind.

At this time of night, five to 12, we get a little bit punchy, but the fact is this is a very serious matter. A \$15.5-billion borrowing scheme is something which is very serious and the government shouldn't be just sloughing it off and saying, "Oh, why don't you have that debate later on in budget debate or something?" The message has got to go out over and over again: Stop spending our kids' money and stop spending their kids' money. If you want to spend your own, fine, but I really believe you've already overspent that.

Mr Gary Wilson: My kids spend my money.

Mr Turnbull: Well, apparently your kids want to pay it. Okay. If your kids want to pay the bills, they can pay the bills. Don't burden the kids of the rest of the people who didn't vote for you. Only 37.5% of the population voted for you, and that's of the people who bothered to vote. So you're spending other people's money without their permission; end of story.

The Speaker: I think the honourable member for York Mills for his contribution to the debate and invite any questions and/or comments.

Mr Bradley: Having anticipated that there was going to be further Conservative debate, I thought that I might put forward this particular proposition. I was listening carefully to see whether the member mentioned the funding formula for Brock University in St Catharines. I don't know if you noticed that or not, but I was listening carefully and I thought he would have mentioned that under the funding formula presently used by the Ontario government, Brock University doesn't get as much money for the number of students it has as it should. I would have thought that, dealing with this particular borrowing bill, since the government is borrowing the money in any event, it would have borrowed sufficient money so that Brock University would be able to offer the appropriate services to its students by having the proper funding.

I did not hear him as well mention the problems being confronted by Hotel Dieu Hospital in St Catharines, though I'm sure somewhere along the way he may have mentioned that, where we have some significant cutbacks coming at Hotel Dieu Hospital if a report of consultants is implemented. I don't think the government will allow that to happen. I know in Scarborough, Mr Speaker, you wouldn't want it to happen there.

I know as well that the member would want to mention the fact that the Queen Elizabeth highway between Toronto and St Catharines has some patches in it that are pretty rough. They were scraped off in the middle of winter and have not yet been repaired. If the government is in the process of borrowing money, no doubt it will want to apply that money to paving that road, some time between midnight and 6 am, of course, around Oakville and around Burlington.

So all of these would have been justifiable reasons for undertaking expenditures on the part of the Ontario government and borrowing this money, but I didn't hear

the member mention those particular items.

Mr Stockwell: I would have thought also, considering the fact that this government is borrowing \$15.5 billion, some place they could have had a sliver of money for the Golden Helmets. That is a particular group that certainly could have used the funding, if they existed any more. We know full well that this government, in a callous moment, took an axe to that particular program.

Mr Bradley: And the pipes and drums.

Mr Stockwell: The pipes and drums were also axed. I myself, not one to want to spend money on a regular basis, would think that of \$15.5 billion, the paltry sum that some of these organizations are asking for—that you could find your way clear to see if in some instances literally hundreds of dollars could be found for some of these groups to continue on.

Also, the member for York Mills once again has proven that his knowledge of the budget and borrowing is probably far superior to that of the member for Oxford when he outlines the \$400 a day per family.

Mr Turnbull: Per month.

Mr Stockwell: Per month per family. The point that I think needs to be made is that a recent study was just released that talked about an average family of four in this country. If you accumulated all the debt that the country had on its books, an average family of four—this is a breathtaking number—has acquired in debt from the government on its behalf \$250,000. That's astounding. Governments have borrowed on behalf of an average family of four a quarter of a million dollars.

Before we can even begin talking about retiring the deficit, how are we going to deal with the debt? My estimation is that if you put your nose to the grindstone and began to try and retire \$100 billion in debt, you're looking at a 50-year period to try and retire that kind of debt.

Mr Callahan: The good member for St Catharines raised the question of Brock University and I couldn't let that lie, because I'm sure that was mentioned in the speech of the member for Don Mills. I thought it was interesting. The Ministry of Education, when there was a suggestion by Brock University that they might create spaces for our young Ontarians who wanted to be teachers at \$10,000 a pop, they thought that was terrible, yet at Queen's University they allow an MBA program for \$2,500, which seems to me to be sort of contrary. Yet I have to tell you, there are some 1,000 Ontarian young people who are going to Canisius College, Niagara University, St Bonaventure, Loyola University in Chicago, who are spending twice that in American dollars. I say shame to the Minister of Education, denying the jobs to the people of Brock University, denying the money that would have come from the tuition, denying the spinoffs from that to the people who are around Brock University in terms of retailers and so on.

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On the other side of the coin, this government has this problem in terms of—

Mr Stockwell: Have you changed your policy? What the heck is the point of having a policy?

Mr Callahan: —everybody has to be the same.

The Speaker: The member for Etobicoke West, come to order.

Mr Callahan: What they've done is they've driven 1,000 young people out of this province to gain the opportunity to be able to teach in this province because they denied Brock University the opportunity to provide this service, because they thought it was C\$10,000. So they've sent them to the US to spend US\$20,000, to the loss of Canadians in the Niagara frontier.

Mr David Johnson: I want to congratulate the member for York Mills for a fine effort tonight. Since we're talking about amazing statistics, I had the opportunity to attend with my family Miss Saigon last Friday night. I was reading in the brochure that to the United States the cost of the Vietnam war was \$168 billion. Mind you, this was back a few years ago, but \$168 billion was the cost to the United States of the Vietnam war.

I don't know why, but a little trigger went off in my head. If you add up \$90-billion debt at the end of this year for the province of Ontario, \$35-billion debt of Ontario Hydro, unfunded liability of the WCB of about \$12 billion, the unfunded liability of the teachers' pension fund, the unfunded liability of the public service pension fund, you come pretty close to \$150 billion. Do you know that our debt right now is about the same as what the Vietnam war cost the Americans? There's an amazing statistic.

Another statistic, since we're talking about statistics, is that the debt per capita in Ontario, just from the Ontario debt, is over \$8,000, \$117 for every man, woman and child in the province of Ontario. That's what's owed by the people of Ontario, and we haven't even talked about the crown corporations. Have we talked about the crown corporations yet tonight?

The Ministry of Finance—that's not the Tories, that's not the member for York Mills, that's not me—the Minister of Finance estimates that the outstanding debt of the crown corporations at the end of the 1996-97 fiscal year will be over \$6 billion.

The Speaker: The member's time has expired. The

member for York Mills has up to two minutes for his reply.

Mr Turnbull: I just thought I would mention, since I was talking about the Fraser Institute study, just read the 40th to the 50th most indebted countries on the face of the earth. We've got Bolivia, and then Manitoba, Greece, Saskatchewan, Burundi, Ontario, Canada, Morocco, Kenya and Niger, in that order. Honestly, can we believe that? We're just nosed out by Burundi in terms of our debt.

Hon Ms Gigantes: So?

Mr Turnbull: The Minister of Housing says, "So?" So it's a lot of debt that you've burdened our children with, and if you don't take that seriously, you are dead wrong, because I can tell you the people of Ontario take it very seriously. They know that they're going to have to toil for a long time to pay that off. You have spent inappropriately, and there is no doubt about it, and this is why there's probably never, ever been a situation in this province where people were as eager to have an election.

Mr Sutherland: Oh, you are sounding so arrogant.

The Speaker: Order.

Mr Turnbull: The question we're constantly asked is, "When is the election coming?" and I have to keep on saying, "Probably not for another year." People want to address this. They're fed up with this. It's four years now. It's time for an election, and instead, you just keep on chugging on, borrowing money, worsening the situation, when the acid test is an election.

Just see how the people feel about it. I think you will find that there will be heavy sanctions on your acts. We assure you that we intend to unravel all of the things that you have done during your time in office. It is going to be something which I would be very interested to see, how you react as you watch everything that you've wrought taken away.

The Speaker: It being beyond 12 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 0006.

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 35^e législature



**Official Report
of Debates
(Hansard)**

Wednesday 22 June 1994

**Journal
des débats
(Hansard)**

Mercredi 22 juin 1994

Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 22 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 22 juin 1994

The House met at 1333.

Prayers.

MEMBERS' STATEMENTS

TORONTO CENTRE FOR CREATIVE ARTS THERAPY

Mr Tim Murphy (St George-St David): I am rising today to pass on a message from the Toronto Centre for Creative Arts Therapy to the Minister of Health and the Minister of Community and Social Services.

The Toronto Centre for Creative Arts Therapy is a cost-effective, community-based mental health agency that provides services that prevent individuals from committing suicide, offer alternatives to drug and alcohol abuse, prevent and decrease hospitalizations and save taxpayers hundreds of thousands of dollars. Unfortunately, unless this centre can get support from the government, it will be forced to close by July 31, 1994.

TCCAT, as it's known, has been approaching the government with a commitment from a family foundation to fund 50% per year for three years of a proposed \$237,000 annual operating budget if this is matched by the government. This would mean \$59,000 from the Health ministry and an equal amount from Comsoc, with \$118,000 coming from the foundation.

To try and get the government to listen, it has produced a video that is a compelling argument for the continuing existence and support of this agency.

In a desperate attempt to communicate to the government, this video, called *A Matter of Life*, has been produced. I have copies that I will forward to the Minister of Health and the Minister of Community and Social Services, and would refer them to letters of support from very powerful cabinet colleagues, including Marilyn Churley, the Minister of Consumer and Commercial Relations, and Frances Lankin, the minister of all things. I hope they will listen and watch closely.

JUNIOR KINDERGARTEN

Mrs Dianne Cunningham (London North): My statement today is directed to the Minister of Education and Training. On June 13, trustee members of the Simcoe County Board of Education visited Queen's Park to speak with members of the Legislative Assembly about junior kindergarten. They distributed letters to all MPPs describing the impact this will have on their community.

My colleagues Al McLean, Simcoe East, and Jim Wilson, Simcoe West, have made us aware of the concerns of their constituents in this regard. They have requested that the government reconsider its intent to mandate junior kindergarten. They don't support it.

On March 23, 1994, the English-language section of the Simcoe County Board of Education unanimously passed a resolution to have a delegation meet with the Minister of Education and Training to request that he

reconsider the mandating of junior kindergarten. The director of education wrote to the minister, but the request was refused.

Many of the schools in Simcoe county are crowded, some are at capacity and almost all have portables. Building junior kindergarten classrooms will be extremely expensive, as will hiring teachers and operating the program. The board cannot afford this.

Our Common Sense Revolution states, "Until a complete review has been made of the impact of junior kindergarten, we will allow school boards to opt out of the program."

Primary school programs have been expanded over the last few years to include much younger children. Government has continued this trend by making junior kindergarten mandatory beginning September 1994. The practice of mandating programs without sufficient dollars must end.

I urge the minister to meet with the delegation from the Simcoe County Board of Education to discuss this issue further.

SLOW-MOVING VEHICLES

Mr Pat Hayes (Essex-Kent): Tomorrow I will be presenting for second reading my private member's Bill 176, An Act to amend the Highway Traffic Act with respect to Slow Moving Vehicle Signs.

At present, tractors and other farm equipment are required to prominently display the slow-moving vehicle sign to alert other highway users of the potential hazard. The problem is that the law as presently worded does not restrict the use of slow-moving vehicle signs to bona fide slow-moving vehicles.

Some rural people are affixing these signs to their mailboxes and as driveway markers. In bad weather this can cause drivers to mistake these for slow-moving vehicles and lead to accidents.

Bill 176 will prohibit the attachment of the slow-moving vehicle sign to stationary objects such as mailboxes. The bill also broadens the definition of "slow-moving vehicle" to include equipment such as certain construction vehicles that cannot reach speeds greater than 40 kilometres per hour. Also included would be horse-drawn vehicles. However, those who object on religious grounds will be exempted from displaying the sign on horse-drawn vehicles.

Bill 176 seeks to make our rural roads just a little safer. I would earnestly hope that all members of this House will support it.

POST-SECONDARY EDUCATION

Mr Dalton McGuinty (Ottawa South): As my party's Colleges and Universities critic, I want to express

my serious concerns regarding the proposed introduction, in September, of a mandatory general education component in our college programs.

While I do not disagree with the merit of general education and the role it can play in helping to make college graduates lifelong learners, I strongly disagree with the approach that's being taken by this government, which is effectively mandating that general education be introduced at the expense of core programs.

It's important to understand that no additional funding or class time is being made available for general education. This means that a student who has decided to enrol in a technical program, a program which the student believes will provide him or her with the necessary technical skills to get a job in the technical sector, will be required to study, for instance, three hours of art and culture a week at the expense of three hours of technical training.

At present, a student enrolled in a community college vocational program spends 23 hours per week in that program. This number over the years has been reduced from 30 hours per week. Now, if general education becomes the law of the land, only 20 hours per week will be available for the core program.

It's absurd that at a time when our colleges are coping to the very best of their ability with funding problems, the Minister of Education and Training should demand that a new subject be taught in all post-secondary college programs without providing additional funding or additional class time.

The minister is making an unreasonable demand not only of our college faculty but also of our students. College students, with an average age of 26 years, are quite capable of deciding what courses they need to take to get that job, and right now they don't want to give up a single hour of technical training in their courses.

1340

LABOUR LEGISLATION

Mr Allan K. McLean (Simcoe East): When the Common Sense Revolution brings a Harris government to power in Ontario, people can count on the Bill 40 job-killing labour law and the catastrophic Bill 91, the agriculture labour law, being repealed.

Bill 40 will result in a loss of millions of dollars worth of investment and thousands of lost jobs in Simcoe county. The successor rights portion of Bill 40 is sending an unfortunate pro-union message to business and makes it uneconomical for independent short-line operators to take over rail lines abandoned by CN.

Bill 91 will unionize the family farm and weaken the already unstable economic climate in agriculture. It will result in higher labour costs, higher interest rates, higher insurance costs and lower gate receipts. These additional costs will undoubtedly be passed on to the hard-pressed consumer because of the farm sector's inability to absorb the increase.

This government fails to realize there is no such thing as industrialized farms. A farm is a farm is a farm, regardless of structure, size and number of employees. This government fails to recognize that strikes during

harvest and other vulnerable seasons would be destructive for farmers.

Bill 40 and Bill 91 are examples of a government that has no regard for social and economic consequences. This legislation is symbolic of the anti-business, anti-agriculture, anti-job, anti-worker, anti-prosperity agenda that has prevailed with this government.

They must be scrapped. They will be repealed.

PROFESSIONAL ENGINEERS

Mr David Winninger (London South): I rise in the House today to comment on the recent adoption of environmental guidelines for the practice of professional engineering in Ontario by Professional Engineers Ontario, the licensing body for the engineering profession in Ontario.

Professional engineers are currently responsible for safeguarding life, health and property under the Professional Engineers Act. These new guidelines mean the association now expects its practising members to bring their perspective on environmental issues to bear on the many projects they are involved with. The document includes nine guidelines to assist engineers in their practice, making it clear that consideration for the environment and sustainable development are absolutely essential to human life for the present generation and for future generations.

Professional engineers are key to the Ontario economy. Engineering is evident in everything we use in our lives, from the roads we drive on to the buildings we work in to the technology used on the production line and in telecommunications. The involvement of professional engineers in such diverse sectors puts them in a unique position to address the environmental implications of these projects.

Engineers will continue to play a leading role in sustainable development. These guidelines, which will soon be made available to the 59,000 members of Professional Engineers Ontario, will help them do so more effectively.

I convey to this assembly and the professional engineers in this province satisfaction and encouragement for their initiative.

COMPENSATION FOR VICTIMS OF CRIME

Mr James J. Bradley (St Catharines): When accused individuals are placed on trial in a court of law, our legal system ensures that they have legal representation and all efforts are made to ensure a fair trial.

What about the victims of crime and their families? What does our legal system do to compensate these people for the costs, personal and financial, that they incur as a result of a crime being committed?

When a change of venue for a trial is ordered by the court, the victims and their families must take time off work, travel to the new site of the trial and arrange for accommodation and food. The cost can amount to thousands of dollars. Yet unless they are witnesses, I'm aware of no compensation for which they are eligible.

Over the years, legislatures and the Parliament of Canada, as well as the administration of the legal system,

have enacted laws and regulations to provide fair treatment for those accused of crimes. It is imperative that the same elected and administrative bodies take action to ensure fair treatment for the direct and indirect victims of crime, whose lives are disrupted emotionally and whose bank accounts are drained by the many costs they incur previous to, during and after a trial.

Let us not forget those who are deserving not just of our sympathy, but also our tangible support.

MICHAEL HERMAN

Mr David Tilson (Dufferin-Peel): I'm pleased to rise this afternoon to share a story with the members of this House. It's a story of a young man's campaign to help fight cancer.

Michael Herman is attempting to kayak across the five Great Lakes to raise money for the Canadian Cancer Society. A resident of Bolton in my riding of Dufferin-Peel, Mr Herman's 3,000-kilometre solo kayak journey will take him from Thunder Bay to Toronto. He began his trip on May 14 and is scheduled to arrive at Ontario Place on Lake Ontario on September 17.

Mr Herman's decision to devote his summer to helping the Canadian Cancer Society is one that we can all be proud of. I hope the sacrifice he is making will assist the development of new cancer research and treatment techniques, bringing us closer to curing this disease that knows no social, financial or age boundaries. Through donating his time and effort, Michael Herman is helping to continue the fight against this devastating disease. I doubt there is a person in this Legislature who has not been affected by cancer in some way. Whether it is through the suffering of a friend, a family member or a colleague, we can all relate to the pain and suffering that accompanies cancer.

IGA grocery stores across Ontario have set up donation cans in support of Michael's efforts and the Canadian Cancer Society. You can also send your donations directly to the Canadian Cancer Society. Mail a donation marked "Kayaking for Cancer" to the Canadian Cancer Society, 1639 Yonge Street, Toronto, Ontario, M4T 2W6.

I extend my sincere congratulations and well wishes to Michael. His journey is truly an inspiration.

SPADINA FESTIVAL

Mr Rosario Marchese (Fort York): I rise today, as the member of provincial Parliament representing the Spadina area south of College, to extend a personal invitation to the members of the House to join me on Canada Day at the Spadina Festival.

The Spadina Festival highlights the dynamic role and celebrates the diversity of the Spadina neighbourhood. Spadina is a microcosm of Canada's multicultural and multiracial community. Throughout Toronto's history, generations of new Canadians who have settled in the Spadina area have made key contributions to our city.

I would like to personally congratulate Spadina Festival co-chairs Peter Chen, Susan DaRosa and Derek Wu, who are here today, in fact, and to thank Irene Espinoza, Suruj Persaud and Melanie Rigley, who have taken an active part in these festivities and are here today as well, the Etobicoke Chinese Canadian Association, and

the hundreds of volunteers representing a broad spectrum of community interests, local businesses, schools, community centres, residents' associations and civic groups who have made the Spadina Festival a reality.

Those attending the Spadina Festival will have the opportunity to enjoy the rich mixture of multicultural performances, visit the shops and sample the food.

Spadina Avenue is presently going through a transitional period with the building of the LRT. It is important to celebrate Spadina's rich past, recognize Spadina's role as a hub of economic activity and look forward to Spadina's future as a major boulevard in the heart of Toronto.

VISITORS

The Speaker (Hon David Warner): I invite all the members to join me in welcoming to our chamber this afternoon, and seated in the Speaker's gallery, Mr Robin Cooper, member of Parliament in the Parliament of Victoria, Melbourne, Australia. He is joined by Mrs Jennifer Cooper. Please welcome our special guests.

1350

ORAL QUESTIONS

CONFLICT-OF-INTEREST GUIDELINES

Mr Robert Chiarelli (Ottawa West): My question is to the Minister of Housing. Yesterday, Minister, you answered questions about a police investigation of a land flip allegedly made by a housing development consultant for a Kitchener non-profit housing group. You answered, and I'm quoting, "It would be very foolish...and it would be unethical for a minister to talk about the specifics of a case which is under police investigation."

Will the minister tell the House, what is the difference between talking about a case under police investigation and talking to the complainant and chief witness in the Ottawa case about the case where charges had already been laid in the matter involving your ministry?

Hon Evelyn Gigantes (Minister of Housing): There is a very large difference, as the member will know. In the one case what we're dealing with is a situation where allegations have been made and matters have been referred to the police. The police are launching an investigation and therefore it really is out of bounds to discuss that case.

In the second case, I met with members of a board whose members had been at odds for many, many months. My attempt was to mediate among those board members, and in the course of that discussion—

Mr Tim Murphy (St George-St David): You're not a mediator. You're a minister.

The Speaker (Hon David Warner): The member for St George-St David is out of order.

Hon Ms Gigantes: —we considered many options that lay before the members of the board. We never discussed "the case," as he puts it. There was no reason to do that. What we were discussing were the tensions that existed and some of the ways there might be to relieve those tensions so board members could come to an agreement about where the board was at in terms of its work, where all the requirements of the Housing

ministry were and how they were being met, and how the board could work together in the future.

Mr Chiarelli: Then, Minister, if Mr Juan Andres is charged, you would have no problem meeting with him and the board to try to resolve their differences. But in the case of the Van-Lang housing project in Ottawa, a member of the board was repeatedly refused information she was entitled to receive from the board, and you and your ministry did not respond to her inquiries. The crown ended up laying four provincial offence charges against four members of the board under the Corporations Act.

I am informed by Trinh Lu, the former manager of the project, that she met with you at your constituency office on June 10, at which time she reviewed with you all the evidence of the case, contents of the charges, copies of the court docket, and you confirmed to her you would meet with the board members to actively try to settle the disputed court case.

As a result of the meeting you attended last Friday, the complainant board member is again quoted in the *Ottawa Citizen* today, saying: "I felt as if there was a lot of pressure coming towards me from Gigantes. I felt intimidated."

My question to you, Minister—and I hope you do more than a one-word answer, as the Premier did yesterday when he insulted the people of Ontario—is, will you please tell the people of Ontario why you are not in breach of section 22 of the Premier's guidelines?

Hon Ms Gigantes: As I've explained to the member, the purpose of my meeting with the board members, and all the board dispute representatives were present at that meeting, was to try and resolve some of the issues. I had indicated to the former project manager of the non-profit corporation that in fact I would be meeting with the board, so she would know that, and I told her it was my hope that there might be a resolution of the difficulties. That was all I could say to her, because more than that, I had nothing to say. I knew no more about the possibilities of resolving those issues.

Mr Chiarelli: I'm sure the people will be the judge and I'm sure there'll be additional questions on that particular issue.

To change subjects slightly, Minister, we are very concerned about the minister's mismanagement of the Cypriot Homes land flip in Kitchener. As the *Toronto Star* has revealed, the development consultant who earned \$135,000 in taxpayers' money on the Cypriot deal was involved in a questionable land deal three years ago. Mr Juan Andres was charged in November 1991 with fraud in connection with the land flip involving a Kitchener non-profit housing group. He pleaded guilty to the possession of the proceeds of crime and was sentenced in 1993. His lawyer told the court, and again I'm quoting, "The land flip was completed at a time when everything was aboveboard...with the full knowledge of the ministry."

Minister, can you confirm that your ministry was aware of this type of activity in the past? When did you become aware of the police investigation into Mr Andres's affairs, and how could this happen a second

time? I hope you're not going to say, "It's a matter which is before the courts." You're not commenting on the police investigation, you're commenting on the extent of the knowledge of your ministry.

Hon Ms Gigantes: Mr Speaker, I don't know if you considered that supplementary to the first two questions, but certainly it wasn't, in my mind.

Let me say that in the case to which he is referring, what happened was that the ministry became aware of a situation which made the ministry concerned about what was happening. The ministry was in contact with the board. New project management came into place in September 1992, as I indicated in the House yesterday. In fact, the ministry has cooperated with the police investigation. That's what happened.

SKILLS TRAINING

Mr Steven W. Mahoney (Mississauga West): My question is to the Minister of Education and Training. Minister, last week I asked you a question about why the Workers' Compensation Board was spending \$9,450 to send one individual to the Golden Key Centre for Learning in Richmond Hill when it could have enrolled that same person in an adult education program offered by his local high school at little or no cost.

Apparently, there are literally hundreds of injured workers who are being enrolled in a number of these schools at an incredible cost to the Workers' Compensation Board. I remind the minister that this Golden Key Centre for Learning is not recognized by the Ministry of Education and Training nor by any college or university in this province. While they claim, sir, that their courses provide equivalency to grade 12, clearly they do not.

Minister, now that you've had a week to look into this matter, I ask you once again, why is the Workers' Compensation Board spending hundreds of thousands of dollars to send workers to these so-called schools when public school boards would offer these courses, with grade 12 certificates, at substantially lower cost to the Workers' Compensation Board?

Hon David S. Cooke (Minister of Education and Training): I would still remind the member that when he says "little or no cost," somebody is paying for the courses in the public school system. I don't think it's entirely fair to simply say that because the admission costs are \$50, or the numbers he quoted before, that's the entire cost. The taxpayers are picking up the balance of it.

I've explained to the member before that the school is using the word "equivalency," which has no meaning within the Education Act. This organization can in fact offer these types of programs, and then if students are using it, as they are in this case, as a pre-education program in order to get into college, then the college system does the assessment to determine whether there's equivalency.

Whether it is appropriate for the Workers' Compensation Board to use this particular school is something that we have referred to the Ministry of Labour and to the Workers' Compensation Board. All the questions you have asked that pertain specifically to our ministry have

been answered. Now the Workers' Compensation Board needs to take what I think is a fair question about the cost.

Mr Mahoney: I would have liked to have put this question to the Minister of Labour, who is not with us. The Premier's not here. The Deputy Premier's not here. The deputy deputy is not here. I have no choice but to go to the Deputy Premier du jour.

The Speaker (Hon David Warner): The member knows he should direct the question to someone who is here.

Mr Mahoney: Since I asked my question, I have received several phone calls from a number of injured workers enrolled in similar schools in Whitby and Peterborough. Their stories are very disconcerting, to say the least. They tell me that some of the teachers—and as the Minister of Education, this should concern you—are not even qualified. At one school, two of the instructors had to quit because they were just accepted into teachers' college. The students complain of poor instruction and a lack of proper equipment to complete their course work.

All these workers say that their WCB case worker was adamant that they attend these schools. They were given an ultimatum by the board, "Go to this school or lose your benefits." All these workers say they have been warned by both the WCB and the school "not to cause any trouble" or they will be put on probation or expelled.

1400

Do you agree with these tactics by the WCB to silence and intimidate these injured workers, and do you agree with spending hundreds of thousands of dollars to send these injured workers to these schools where they get a certificate that is virtually worthless?

Hon Mr Cooke: It's not fair to say that the certificate or the education they get at these programs is worthless. The fact is that this type of program is then used, as I said, to achieve entrance to a college. They have to have a base education in order to qualify to get into college.

In terms of the cost and in terms of preference to the public education system, I was told by the Workers' Compensation Board that its preference is to use the public education system, but where it is appropriate to have a condensed program to have students get through the program more quickly, it looks at other alternatives. I would hope that the Workers' Compensation Board would be looking at some very real concerns that you have expressed, that I have agreed with.

Mr Mahoney: I can tell you, as the father of three university-age boys, \$10,000 will pay the entire shot for a full university education, including room and board. We're talking about one course, for that amount of money, to this injured worker in this school.

What's clear is that this government, through the Workers' Compensation Board, is determined to send individuals to these schools despite the fact that they are not recognized by the Ministry of Education and Training and despite the fact that they cost the Workers' Compensation Board almost \$10,000 per worker per year.

I have learned that there's an individual who is associated with all three of these learning centres who, it

turns out, has very strong ties to the New Democratic Party. According to the Golden Key Centre for Learning, a Mr Mike Maloney, principal of the Quinte Learning Centre, is also the director of all three of these schools. Two of the three schools we know about indeed use his address and phone numbers on their letterhead. You might be surprised to learn that Mr Maloney was a candidate for the New Democratic Party in the riding of Quinte in a previous election. It appears that once again your government is simply helping out your friends.

Given that you cannot explain why the government needs to spend hundreds of thousands of dollars on these centres and given that the director of three of these centres is a former NDP candidate, will this minister call upon the Provincial Auditor to investigate this mess and report his findings back to this Legislature immediately?

Hon Mr Cooke: I had indicated to the member that I thought some of the concerns in terms of cost were legitimate concerns, but he completely destroyed his credibility on this question when he makes wild accusations. I don't even know who Mr Mahoney is—

Mr Mahoney: Maloney.

Hon Mr Cooke: —or Mr Maloney is. I don't even know who he is. So you can make all the wild accusations that you want to, that you're used to making, but it's a bunch of nonsense, it's a bunch of hot air, that we're used to coming from that member.

CONFLICT-OF-INTEREST GUIDELINES

Mr Charles Harnick (Willowdale): My question is to the Minister of Housing. Minister, do you agree that you had a meeting with Ms Sharron Pretty on June 17, 1994, and at that meeting you pressured her by asking her several times to have charges withdrawn against several members of the Van-Lang Centre board?

Hon Evelyn Gigantes (Minister of Housing): As I've explained to the House, the people I met with last Friday were members of the board. Ms Pretty was a member of the board, remains a member of the board. I met with them on Friday.

Mr Harnick: I have a copy of notes taken by Sharron Pretty. She's transcribed those notes that she prepared right after the meeting. If I can have a page come over, I'm going to send those notes over to you.

Ms Pretty says, "I felt intimidated and pressured to agree to the suggestion by Evelyn Gigantes that I drop charges against the board of directors in order to solve the issue out of court." In fact, you pressured her at least three times to withdraw those charges.

Minister, this is a very serious allegation and it cuts to the heart of your credibility as a minister with the crown. I want to ask you directly, is this account of Ms Pretty accurate, or are you willing to stand in your place and call her a liar?

Hon Ms Gigantes: I'm certainly not going to call Ms Pretty a liar. That simply would not be fair.

Mr Harnick: Well, is it accurate then?

The Speaker (Hon David Warner): Order.

Hon Ms Gigantes: It would not be fair, Mr Speaker.

The Speaker: Take your seat, please.

The member for Willowdale posed a very serious question. It would be most appropriate if he would wait for the reply.

Hon Ms Gigantes: At several points during the discussion, on many issues that we discussed, I said to all the members of the board in the room: "I don't wish you to try and make up your minds in this meeting. I would like you to go away, to reflect on things, not to feel pressured." I said, "I would like to try and help in this situation, if it's possible."

I offered, with the agreement of the regional housing director for eastern Ontario, that there would be somebody representing the ministry at a further meeting if people wished to have one. I also suggested it might be useful for the participants, if they wished to hold another meeting to discuss options, that they would find it beneficial to have somebody from the Ontario Non-Profit Housing Association to act as a facilitator.

So we discussed a lot of options. I can't speak for how anybody felt at that meeting, but I certainly encouraged people to take their time, not to feel pressured, to think things through and to see if it were possible in the future to have another meeting which could continue whatever progress we might have been able to establish during that meeting.

Mr Harnick: Minister, I have given you ample opportunity to deny the fact that you pressured Ms Pretty. Her notes make it clear that she felt pressured by you to call the crown and have charges against other Van-Lang board members dropped.

Yesterday, your colleague the Attorney General said in this House in response to a question I asked that if a minister of the crown pressured any individual to have charges dropped, that would be improper. Minister, even your own colleague, the chief law enforcement officer of this province, believes that what you have done is improper. You have used your position as a minister of the crown to intimidate a private citizen. Why don't you do the honourable thing and stand up and admit your mistake and resign?

Hon Ms Gigantes: I'd be so delighted to be able to please the member opposite, but I'm not going to oblige him on this one, because—

Interjection.

The Speaker: Order. The member for Willowdale, please come to order.

Hon Ms Gigantes: —I feel there was nothing that happened during that meeting that was out of place. We discussed a full range of options. I encouraged people not to feel pressured, very directly I encouraged them. I said to them, "Don't feel pressured." I said to them when they thought about setting a time for another meeting, "Don't rush and decide or try and put pressure on one person or another to decide on a time for another meeting now."

Interjections.

The Speaker: The member for St George-St David is out of order.

Hon Ms Gigantes: "Go away, think about things, just reflect on whether we've been able to make any progress here. If we have, we'd be delighted, from the Ministry of

Housing point of view, to be able to offer any help that could lead to an improvement in the work of the board in the future."

1410

Mr Harnick: To carry on with this little saga of evasion, you have had ample opportunity to stand in your place today and to tell this Legislature that Sharron Pretty's account of what happened is not accurate. Sharron Pretty stated, "Evelyn emphasized that she was only 'suggesting' a possible solution, but she did repeat her suggestion at least three times." Not once in these notes does she indicate that she was to go away and reflect on it.

What the notes go on to say is that you would ensure that if she withdrew the charges, she could remain on the board for another month, because that's all her term of office had left.

Now, I want you, as does everyone in this Legislature, to stand in your place and to deny, if it's not true and if Ms Pretty is not telling the truth, the fact that you tried to pressure her to withdraw these charges. Do you have the guts to do that?

Hon Ms Gigantes: I don't know if it is within the rules of this House to accuse another member of evasion when really he is trying to say something more serious, and I really resent the way in which he is posing these questions, because what it assumes is that certain things happened. He feels he has some evidence that certain things happened.

I will say directly, through you, Mr Speaker, to the member that I never pressured anybody. In fact, I deliberately and carefully said: "Do not feel pressured. Think about the options. Take your time on this. If we can be of assistance in setting up a further meeting at which our participation from the Ministry of Housing and the participation of another facilitator would be helpful, we're prepared to do that."

That was our offer. We discussed many options, and for him to draw conclusions that I have breached conflict-of-interest guidelines on this is wrong.

Mr Harnick: Minister, either what Ms Pretty is saying is a fabrication or what you are saying is a fabrication, and what I would like you to do—

The Speaker: Order. The member knows better. I know he would wish to rephrase.

Interjections.

The Speaker: Order. Would the member place his question, please.

Mr Harnick: What I would like to know is, whose story is true: the story that Sharron Pretty has set out in her notes or the story that you're telling the Legislature?

Hon Ms Gigantes: When you're dealing with a group of people who have had great difficulty and intense struggles dealing with each other in a productive way, in fact have failed to deal with each other in a productive way over a period of time, there are very high emotions. Several times during our conversation, I asked people just to forget about what has happened in the past, to try and focus on where things were at now in terms of the

operations of the non-profit organization and to see if there was the possibility of moving forward.

There is always room for different feelings about things. I can tell the member quite clearly what I said, what I meant, what I did, what I offered.

Mr Harnick: Minister, do you deny that you asked Miss Pretty three times to withdraw these charges, and do you deny that you made an offer to her that if she withdrew the charges, she could stay on the board for another month?

Hon Ms Gigantes: I did not ask Miss Pretty to withdraw charges and I did not say to her, "You can stay on for another month if you do that." That doesn't make any sense even to the member, surely. Does it?

The object of the meeting was to take a group which had been in difficulty, which was struggling internally, and to try and work out where things were at so that group would work together in the future. There were some very serious problems which that group had confronted and continues to confront.

The Speaker: New question.

ONTARIO HYDRO

Mr Sean G. Conway (Renfrew North): A change of pace, perhaps, to the Minister of Environment and Energy. Sorry to interrupt your lunch, Bud. I understand the pressures of cabinet on Wednesday, so I don't mean to be rude there.

I have a question to the minister responsible for Hydro. I have in my hand some of the several letters that I've been receiving, and I dare say members on all sides are getting, from utility contractors across the province about part of the mandate of the new Ontario Hydro. The minister will know, because he has had representations from the Canadian Federation of Independent Business on this subject, there are a lot of private contractors in the utility business, electrical contractors, line people etc, who are ticked off, to say the least, that Ontario Hydro has now moved in on their business, a business that has been shrinking as a result of the most recent recession.

I also have, as a result of today's mail, a letter from the chairman of Ontario Hydro, our dear friend Maurice Strong, and I know better, these days than to annoy the chairman. The chairman's letter seems to suggest that these independent business people really don't have a problem and they must misunderstand.

Minister, what do you say to all of these hardworking independent contractors who are, to a person, ticked off and worse about the fact that Ontario Hydro, with all of its advantages and all of its peculiar opportunities, has now moved in to compete with these small contractors?

Hon Bud Wildman (Minister of Environment and Energy): As the member will know, over the last year or two the utility has moved to try to restructure and ensure that rates will be maintained at a stable level, and the commitment for no rate increase this year and rate increases at or below inflation will be met over the next few years to the end of the decade.

In doing that, it meant that Ontario Hydro had to curtail some of its programs with regard to retrofits and assistance to home owners and businesses in enabling

them to become more energy-efficient. That meant that a number of the contractors that had been supplying the work related to those retrofits have suffered and some of the small manufacturers that produced energy-efficient appliances and light bulbs, these kinds of things, have suffered.

The utility is determined to assist in doing analyses of energy use, particularly in the private sector, to do audits and so on. As those audits are completed, to assist with the bottom line, private sector companies should be able to contract with the private sector to do the retrofits that would benefit these contractors.

Mr Conway: What I know is what I read from all of these good people in all of these communities across Ontario. These hardworking, self-sufficient small business people are telling me, and I think telling all members, that this is the unfairness of competition. We even have flyers going out from Hydro's central stores warehouse advertising a whole range of warehouse possibilities that Hydro has to offer. This is really going to cause hardship, is causing hardship, is displacing employment in the private sector.

Would the minister not agree that Ontario Hydro, in all of these new ventures relative to these independent private contractors, is in a complete conflict of interest, given who some of the customers are? It's an unavoidable conflict of interest. Would the minister not agree that that is a problem? Would the minister not also agree that, at the very least, he should call together the Canadian Federation of Independent Business in Ontario and senior executives at Ontario Hydro to resolve this problem? I say most sincerely that everywhere I have gone on this subject in recent weeks, good people in this province—

The Speaker (Hon David Warner): Would the member complete his question, please.

Mr Conway: —hardworking private entrepreneurs, are saying that if this unfair competition does not stop or become reined in, it is going to cost hundreds of jobs in the private sector and hurt the community in a way that I'm sure the minister does not want.

Hon Mr Wildman: To answer the first part of the question at the outset, no, I don't agree that Ontario Hydro is in a conflict of interest. It is in the interests of Ontario Hydro, of its customers and of the ratepayers generally for the corporation to assist the private sector in doing assessments of how to ensure that it is energy-efficient. It is also in the interests of the ratepayers for Ontario Hydro to be as efficient as possible.

1420

It is interesting that we hear members of the opposition from time to time saying that Ontario Hydro should be more businesslike and even entrepreneurial and then, when they begin to do that, they are accused of unfair competition.

In response to the last part of the question, I would be glad to facilitate such a meeting and I would be happy to do that.

NON-PROFIT HOUSING

Mr Ernie L. Eves (Parry Sound): I have a question of the Minister of Housing. I want to go back to Mr

Andres's problems as a development consultant.

We have been informed by a freedom-of-information request that he was the development consultant on three projects in the Kitchener area. He has charged what your ministry calls organizational expenses, which as you know are described by your ministry as "non-technical functions necessary for project development, including the preparation of ministerial submissions necessary for project commitment." Basically, this is a percentage of the project's cost and it's a way for consultants to make money without having to substantiate the same.

On three projects in the Kitchener area, he has charged: \$75,807 in Hellenic Place, phase 2; \$115,700 in Slavonia Village; \$193,612 in Cypriot Homes, coming to just in excess of \$385,000. Are you aware of that?

Hon Evelyn Gigantes (Minister of Housing): I wonder if the member was present yesterday when I outlined the changes that have taken place in the non-profit housing program. He is identifying a method of paying development consultants which is no longer being followed in the non-profit program.

The reason for that was that in 1991 we undertook a public consultation in this province, and I'm sure the member was very interested in that organization.

Mr Charles Harnick (Willowdale): Were you aware of it?

The Speaker (Hon David Warner): Order. Would the member for Willowdale please come to order.

Hon Ms Gigantes: He certainly had a chance to participate if he was—

Mr Harnick: Why don't you know what was going on?

The Speaker: Would the Minister of Housing please take her seat.

Mr David Turnbull (York Mills): What about an answer to the question? It is a noble concept, but what about an answer to the question?

The Speaker: It is not helpful for members to be shouting while one minister is attempting to answer a question.

Mr Turnbull: She wasn't.

The Speaker: I ask the member for York Mills to come to order. Supplementary, the member for Parry Sound.

Hon Ms Gigantes: Mr Speaker, I haven't finished answering.

The Speaker: I'm sorry, my mistake. The Minister of Housing to complete her reply.

Hon Ms Gigantes: Mr Speaker, I was just informing the member, through you, that in 1991, because this program had operated since 1986 in this province without having a formal look and a formal consultation about what the program requirements should be, we undertook such a consultation. We produced policy for the review of members and for the review of the public in 1992. In 1993 we started to incorporate that new policy in the Jobs Ontario Homes program, our non-profit housing program. What that means for development consultants is that they are no longer paid in the way he describes.

Mr Eves: In addition to the \$385,000-plus that I just referred to, I'm sure the minister is aware that Mr Andres is alleged to have made \$135,000 in a land flip associated with Cypriot Homes Ltd. I'm sure the minister is also now aware that Mr Andres last fall pleaded guilty to possession of proceeds of crime. In view of the fact that he was involved in all three of these projects, what steps have you taken to investigate all three projects in the Kitchener area, and if you haven't done that, why haven't you done that?

Hon Ms Gigantes: At the point when difficulties around this particular non-profit came to the attention of the Ministry of Housing, and that was early on, the Ministry of Housing undertook steps, the project management was changed at that particular project and in fact the ministry has been in cooperation with the police investigation since that time.

The ministry of course has an interest in the operation, and the good operation, according to program guidelines, of every non-profit housing corporation and co-op in this province, certainly.

CLEANUP OF INDUSTRIAL SITE

Mr Derek Fletcher (Guelph): My question is for the Minister of Environment and Energy. There was another major fire at the abandoned former International Malleable Iron Co Ltd plant on May 19. We call it IMICO in Guelph. This is the sixth time that firefighters have been called to the former foundry in the last three years, and it took 12 firefighters more than three hours to bring this blaze under control, using two pumpers and aerial ladders.

I, along with the people of Guelph, am concerned about the need to clean up this abandoned site, and we're also very concerned about the safety of the firefighters, of the neighbours, and particularly of the neighbourhood children, because it's so easy to gain access to this property.

What can we do about these concerns, and how is the ministry acting on this?

Hon Bud Wildman (Minister of Environment and Energy): I want to thank the member for raising this question about IMICO. The Ministry of Environment and Energy is indeed concerned about the environmental and safety hazards with regard to that former foundry operation and the abandoned property.

The member will know that the ministry has already dealt with the most serious environmental concerns. The ministry retained a waste disposal company to remove the potentially hazardous raw materials and waste at the foundry in October 1991. Also, the PCB waste was removed to the Guelph water pollution control plant by the contractor at the same time.

The ministry most recently, as a result of some of the investigations around ownership and changes in ownership, has now served notice of intent to issue a cleanup order on the persons and companies associated with the site. As of the end of last month, that order has been finalized and will be served shortly, pending legal review.

Finally, the order will require the site owners to submit a work plan, within 120 days of the order being served,

on the steps they are going to take to clean up the site.

Mr Fletcher: Minister, I agree with you. The ministry has been trying to deal with the issue of the site cleanup, but what our community of Guelph would like to know right now is, what about the fire and the safety concerns? What can we do now to deal with these issues?

Hon Mr Wildman: As the member knows, the remaining environmental concerns are indeed the responsibility of the owners. These issues will be addressed in the cleanup order. Specifically, in regard to the question of fire safety and property standards, the member is probably aware that these are not within the jurisdiction of the Ministry of Environment and Energy. Indeed, they are the responsibility of the city. In that regard, the ministry district staff is meeting with officials of the city of Guelph to try and resolve the issues around the safety of the site—today, I believe.

PHOTO-RADAR

Mr Steven Offer (Mississauga North): I have a question to the Minister of Transportation. This question affects every driver in the province. Minister, your photo-radar is due to come into force this August. As you are aware, the car rental operators have an unresolved matter concerning the impact of photo-radar. As you are aware or should be aware, offences under photo-radar attach to the owner of the car and not the driver. The car rental operators are liable for the offences committed by the people who lease their cars.

Minister, because of the inaction of yourself and your government to address this concern, I have been advised that car rental operators, with the consent of your ministry and as well the Ministry of the Attorney General, will be debiting photo-radar fines from the credit card accounts of their customers. In other words, you're allowing them to plead guilty to offences possibly committed by others. How can you justify this action?

Hon Gilles Pouliot (Minister of Transportation): The question is most relevant indeed. Why should the operator, the car renters, take a hit when the guilt—hypothetically, of course—lies with the client, the people who rent a car? That's why we have a pilot project; it's to iron out the inefficiencies. This is why our staff repeatedly has met with the car renters. That's why I met with them. We had a good meeting. The determinant was the very challenge that you pose: to find a way to make it happen. It's quite simple in other jurisdictions. It's more complex in our jurisdiction by virtue of the size of Ontario. But we're working together to come up with a commonsensical answer and approach to this issue.

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Mr Offer: Minister, I happen to have a letter of June 1 that actually has been signed by you. The discussions you have spoken of are truly of no effect whatsoever. Just yesterday, the Association of Canadian Car Rental Operators met in Toronto. You and your ministry and your government refused to meet their concerns.

Minister, I don't care how pompously you wish to answer these questions, but the fact remains that this August you are going to be taking the lens cap off the photo-radar camera, and the concerns, very valid con-

cerns, of car rental operators in this province have not been met because of your inaction.

I find it outrageous that you would allow and consent to car rental operators debiting a person's credit card account for an offence that the driver might not even know they committed. In fact, Minister, the Association of Canadian Car Rental Operators don't want this. What they want is the authority to forward to you, with their invoice, any offences committed by their customers and to let you take the appropriate action. The difficulty is that for this to take place an amendment to the legislation will be required.

For the car rental operators in this province, and because of the fact that you have not dealt with this issue—

The Speaker (Hon David Warner): Could the member please a question, please.

Mr Offer: —will you delay the implementation of photo-radar until the concerns of the car rental operators in the province of Ontario have been met?

Hon Mr Pouliot: First and foremost, tales of Houdini, I can't be in two places at once. We intend that at the end of the day, the majority in this Parliament shall have its way. That's the way democracy works, and you can acquiesce readily that with midnight sittings, although we do have an open-door policy and want to meet as many people as we can, there are only so many meetings you can accommodate, because you have to be here as well, as you well know.

On the issue, what do you do if you get a parking ticket? Harry Smith goes to rent a car, parks illegally. It's part of the contract; it's charged back to the client. That's the very parallel that we're trying to develop.

In terms of delaying the safety initiative, the member can just forget it. It won't happen. But we are positive that we can rectify the situation and we won't have to delay this great safety initiative.

SCHOOL BOARD RESTRUCTURING

Mrs Dianne Cunningham (London North): My question is to the Minister of Education and Training, and it concerns the removal of barriers to full cost-cutting restructuring measures in school boards.

Minister, I'm sure you've seen this report from the Ontario Public School Boards' Association, the report on education restructuring policy and legislative analysis. It recommends changes to the Education Act and its regulations to facilitate this full restructuring by all school boards in Ontario. Some include: modifying the school year, which the minister is concerned about; forming joint management structures for transportation; and establishing consortia, which I think is very interesting, for curriculum development. Could you tell me when you are going to make these urgently needed changes which will require changes to the Education Act?

Hon David S. Cooke (Minister of Education and Training): Many of the items in that report—cooperatives for curriculum development, we're doing that. We've funded a whole series of cooperatives that are now being established in the north and elsewhere.

In terms of shared transportation and shared purchasing

services, those are all the types of restructuring projects that we have entered into with boards, Metro Toronto being the most recent case where we're actually doing a project between the separate and all the public boards.

I think most of these things can be done and will be done without changes to the Education Act.

Mrs Cunningham: I think the minister's answer is just an indication of what isn't being done, because if Metro Toronto had followed its own consultant's report with regard to the restructuring, it would have saved \$55 million this year. I think it goes much beyond what's being done so far, and the minister hasn't answered the question, so I'm going to ask him again.

The boards are saying we need changes to the Education Act and the regulations. I happen to have read the report and discussed it with them. I don't think the minister has had the opportunity of discussing these recommendations directly with representatives from the Ontario Public School Boards' Association, so I would urge him to do that.

My question again is: Does he have any intention of following through with the recommendations in this report that require changes to the Education Act and regulations so we really can witness and feel with our tax dollars the true savings of the restructuring that could be accomplished with these changes?

Hon Mr Cooke: I have met with the trustees. I was at their convention the day after they released the report. You might want to sit down with the chair of the Metropolitan Toronto School Board, Ann Vanstone, a member of your party. The \$55 million you referred to doesn't just happen because there's a consultant's report that's been put out. That's the whole purpose of the project we're undertaking now, with Ned McKeown heading up the project, to implement and find the savings.

I do not intend to bring in amendments to the Education Act. I think we can do many of the reforms that are being talked about in that report without changes to the Education Act. I reject the recommendations in that report that specifically refer to a further decentralized education system in the province. What we need in this province is more control at the provincial level so that we have province-wide standards, not a more decentralized system, as the member now seems to be advocating.

ARTS AND CULTURAL FUNDING

Ms Jenny Carter (Peterborough): This question is for the Minister of Culture, Tourism and Recreation.

There have been recent reports in the Peterborough media regarding the magazine grant provided through the Ontario Publishing Centre which is operated through the Ministry of Culture, Tourism and Recreation. I understand that consumer magazines and book industries are eligible for this funding. However, community newspapers do not qualify for funding.

We all know the valuable work that community newspapers provide to our communities. Can the minister clarify for the House why community newspapers do not qualify for these grants?

Hon Anne Swarbrick (Minister of Culture, Tourism and Recreation): I want to thank the member for her

very important question that draws attention to the vital role that community newspapers play in bringing together communities. Community newspapers that need economic support, of course, like any other business, are entitled to apply to the Ontario Development Corp.

The point of the Ontario Publishing Centre is not to support any print industries; it's particularly to help grow Ontario's cultural industries and cultural voices. Ontario book publishers and magazine publishing companies were especially hard hit by the recession, by incredibly crushing American competition, by the federal GST and by the federal postal subsidies, and the intention of our government in establishing the Ontario Publishing Centre has been to particularly support those Ontario companies that publish 85% of Ontario authors.

Ms Carter: Can the minister tell us how these grants assist our cultural industries?

Hon Ms Swarbrick: The Ontario Publishing Centre grants have especially helped the book and magazine publishing industries. When you look at the comparison of the number of them that were going bankrupt before we established the centre compared to afterwards, you can see the success of the centre in having both saved jobs and helped to create jobs.

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Before the centre's grants programs were created by this government in 1991, five publishing companies in Ontario went bankrupt. Since the creation, we have protected jobs fully in the Ontario publishing industries and in fact helped to create further jobs, with great strength being shown in the expansion of those businesses.

There has been a lot of recent national controversy and concern over both the past Conservative government and the present Liberal government's failure to help protect the book and publishing industries in this country. This has been the effort by this government, very successfully, to strongly help support Ontario's book and magazine publishing companies in Ontario.

AGRICULTURAL LABOUR POLICY

Mr John C. Cleary (Cornwall): My question is to the Minister of Agriculture, Food and Rural Affairs. Last week, the Minister of Labour was asked here in these chambers if he could name one farmer who approved of and actually welcomed Bill 91. It was most revealing when the minister, the individual responsible for shepherding this bill through the legislative process on behalf of the citizens of Ontario, could not name one individual who had asked him to introduce this legislation.

The reason for the minister's failure is obvious: This deal smells. Farmers don't want the legislation. They are very upset that this government is bringing forward this legislation against their wishes. Farm organization members are very upset. In our discussion with farmers, I have found 100% opposition to this bill. Even members of his committee that he appointed are upset.

My leader, Lyn McLeod, sent out a questionnaire asking what the farmers thought of the NDP government's Bill 91. The response was overwhelmingly negative.

The Speaker (Hon David Warner): Could the member place his question, please.

Mr Cleary: Just over 1,000 pamphlets were sent out, and they screamed at the minister to restore the agricultural exemption under Bill 91 and put it out to pasture.

Again I ask for the name of one real farmer, not the lobbying behind this bill but individuals on a family farm that is going to have to live with this legislation and actually look forward to working with it. The minister has had a week to think about this—

The Speaker: Would the member please place a question.

Mr Cleary: I asked him for one single name. Can you please answer the question, Mr Minister? This is a serious question. And why are there no public hearings?

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): I agree with the member: This is a very serious question. His leader sent out I don't know how many thousands of postcards across this area at great expense to the taxpayers and said that this bill was going to mean that family members would have to join unions, and that's not true. She said there was no provision to prevent strikes, and that's not true. So there's some uncertainty coming from the member and his party.

We are very clear on this side of the House that we want to provide farm workers with the same democratic rights to organize themselves as exist in other sectors. We're very proud of that and we're not going to change. Our position is clear.

The member and his party have been trying to generate some opposition to this bill, and I appreciate that; that's the political process. But if he's getting a lot of letters from farmers who don't like this legislation, he must be rather unique. I've gotten no calls and no letters opposed to this, because it was put together with farmers and labour, for farmers and for labour. This is a perfect bill, and the member should be supporting it rather than making noises.

Mr Cleary: That's very interesting. We all know, and even the Labour minister admits, that the central aim of Bill 91 is to allow farms to unionize. Work slowdowns, labour disputes and work-to-rule campaigns, all fair game under union and NDP labour rules, can be damaging in industry, but the problems are tenfold in agriculture. Crops and livestock simply cannot wait for labour disputes. The task force reported two years ago, Bill 91 was introduced one year ago, yet all we have from the NDP are promises that it will fix Bill 91 after second reading. As the Labour minister also admits that he is not familiar with agriculture and farming, perhaps it would be appropriate at this time to let him know that the agriculture industry is the second-largest employer in Ontario.

There's simply no proof that Bill 91 will make agriculture more competitive, more productive or more profitable. It seems the minister is willing to hurt this industry more by imposing his restrictive and damaging Bill 91.

The Speaker: Could the member place a question, please.

Mr Cleary: Can you explain to us your vision of how Bill 91 will help the farmers of Ontario?

Hon Mr Buchanan: I'm very puzzled by the last comment. We on this side of the House know that there is no such thing as the ORLA; it's the OLRA that this bill refers to. I don't know how the leader of the official opposition could put out a memo that can't even get that straight. I don't know that the member across can give us any lessons in terms of how to deal with agriculture and with labour relations. He should read the bill. He should look at the amendments that he has in his hand, which clearly say there will be no strikes or lockouts under this legislation.

Interjection.

The Speaker: The member for Mississauga North is out of order.

Hon Mr Buchanan: To go around the province saying that produce is going to rot or that animals are not going to be looked after is not true. He should read his own mail and look at the letters he's got in terms of what amendments will be tabled, presumably this afternoon. We should not be spreading that kind of information.

VOLUNTEER FIREFIGHTERS

Mr Ted Arnott (Wellington): My question is to the Minister of Transportation and it concerns the flashing green lights for volunteer firefighters. In September 1992, I wrote to the minister in support of an amendment to the Highway Traffic Act to allow volunteer firefighters to use flashing green lights in their cars when they're responding to an emergency call. They need these lights for reasons of safety. In October 1992, the minister replied to me, "Although the amendment to the Highway Traffic Act has not been tabled, I am confident that it will be forthcoming at the first available opportunity." Since that time, 87 weeks have passed and no such amendment has been passed by the government.

My question to the minister is very simple, and I need an answer. Minister, what's the holdup?

Hon Gilles Pouliot (Minister of Transportation): Last year we proposed an omnibus bill with the flashing green lights in it. Those people there, the Liberals, were against; we couldn't get unanimity for this safety initiative, so now we have to go piecemeal. We'll try to introduce it as soon as possible, but if—and I say if—the Liberals would join us, yourself and myself, it could be passed almost within a matter of days.

Interjections.

The Speaker (Hon David Warner): Order.

Hon Mr Pouliot: It's as simple as that. I thank you for your cooperation and I know you will help me talk to those people, get them on side so we can get this safety initiative.

Mr Arnott: I couldn't hear the minister's answer. Nevertheless, irrespective of what the Liberals have done, 87 weeks have passed since that commitment was made. The volunteer firefighters need these for reasons of safety. What are you going to do right away to make sure that the amendment to the Highway Traffic Act is passed?

Hon Mr Pouliot: Again, the question is most appropriate. The Liberals agitate very easily when confronted with the simple truth. We need their cooperation. The

volunteer firefighters are asking all members of the House to support this initiative. We will put it in the House as soon as we possibly can.

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PETITIONS

HEALTH INSURANCE

Mr Hugh O'Neil (Quinte): I have a petition signed by many people from the Quinte area which I'd like to present. It reads:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario government has announced its intention to reduce emergency coverage for out-of-country health care on June 30, 1994;

"Whereas the citizens of Ontario are entitled to health coverage no matter where they are with payment made on the basis of the amount that would be paid for a similar service in the province;

"Whereas the Canada Health Act entitles all Canadians to health care on an equal basis;

"Whereas this decision by the Minister of Health is in direct contravention of the Canada Health Act;

"We, the undersigned, petition the Legislature of Ontario to ensure the Minister of Health follows the provisions of the Canada Health Act and prevents further erosion of our health care system in Ontario."

HAEMODIALYSIS

Mr Jim Wilson (Simcoe West): I have a petition addressed to the Legislative Assembly of Ontario:

"Whereas several patients from the town of New Tecumseth are forced to travel great distances under treacherous road conditions to receive necessary haemodialysis treatments in Orillia or Toronto;

"Whereas the government has done nothing to discourage a patchwork dialysis treatment system whereby some patients receive haemodialysis in-home and others travel long distances for treatment;

"Whereas there are currently two dialysis machines serving only two people in New Tecumseth and one patient is forced to pay for her own nurse;

"Whereas the government continues to insist they are studying the problem, even though they have known about it for two years; and

"Whereas the Legislature passed Simcoe West MPP Jim Wilson's private member's resolution which called for the establishment of dialysis satellites in New Tecumseth and Collingwood;

"We demand the government establish a dialysis satellite immediately in the town of New Tecumseth.

I have signed that petition and it joins over 4,000 other names that have previously been submitted on the same subject.

HERITAGE LEGISLATION

Mr Bob Huget (Sarnia): I have a petition to the Legislative Assembly of Ontario. It's been signed by 70 members and friends of the Lambton county branch of the Ontario Genealogical Society.

The petitioners are supportive of our government's proposed Ontario heritage act and are requesting that this

proposed legislation be given support for timely passage.

I've affixed my name to the petition.

HEALTH INSURANCE

Mr D. James Henderson (Etobicoke-Humber): To the Legislative Assembly of Ontario:

"Whereas the Ontario government has announced its intention to reduce emergency coverage for out-of-country health care on June 30, 1994;

"Whereas the citizens of Ontario are entitled to health coverage no matter where they are, with payment made on the basis of the amount that would be paid for a similar service in the province;

"Whereas the Canada Health Act entitles all Canadians to health care on an equal basis;

"Whereas this decision by the Minister of Health is in direct contravention of the Canada Health Act.

"We, the undersigned, petition the Legislature of Ontario to ensure the Minister of Health follows provisions of the Canada Health Act and prevent further erosion of our health care system in Ontario."

The petition is signed by a number of my constituents and by me.

COLLINGWOOD GENERAL AND MARINE HOSPITAL

Mr Jim Wilson (Simcoe West): I have a petition addressed to the Legislative Assembly of Ontario:

"Whereas continued government funding cutbacks will force the Collingwood General and Marine Hospital to close eight more hospital beds and these cutbacks are having a continued negative impact on employment in the Collingwood area;

"Whereas the government is failing to adhere to their own 'principles of restructuring,' which state that restructuring of the hospital sector must be linked to equitable funding, appropriate and accessible community-based health services, and that restructuring initiatives must address the impact of these changes on hospital staff, the local economy and the health care needs of the community;

"Whereas the government refuses to give the green light to redevelop the General and Marine Hospital even though the provincial government announced funding for the project in 1987 and even though the General and Marine cannot achieve additional operating efficiencies unless the hospital is redeveloped;

"Therefore, we demand that the provincial government immediately approve the redevelopment of the General and Marine Hospital and that the hospital be given some financial breathing space to assess the impact of these bed closures on the labour and health care needs of the Collingwood community."

I've signed that petition. I think we're well over 6,500 names to date with respect to this petition, and there are a couple of hundred more being added today.

TOBACCO PACKAGING

Mr Bob Huget (Sarnia): I have a petition to the Legislative Assembly of Ontario. It's been signed by 19 people in my riding.

The petitioners are requesting that the Ontario govern-

ment "continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

I have affixed my name to the petition.

LOTTERY MACHINES

Mr John C. Cleary (Cornwall): I have a petition addressed to the Parliament of Ontario:

"Whereas there is no Lotto 6/49 machine serving people in the east end of Cornwall," 'east' meaning the east side of the railway crossing starting at Danis Avenue,

"We, the undersigned, petition the Parliament of Ontario to service the east end of Cornwall with a much-needed Lotto 6/49 machine."

There are 339 signatures on this petition, and I've also signed it.

CHARITABLE GAMING

Mr Gordon Mills (Durham East): I have a petition this afternoon signed by 222 residents of Scugog Island, which is in my riding of Durham East. The petition reads as follows:

"To the Legislative Assembly of Ontario,

"We, the undersigned, petition the Legislative Assembly as follows:

"Whereas the Ministry of Consumer and Commercial Relations grant a gaming licence to the First Nation of Scugog Island to operate a permanent Monte Carlo casino on Scugog Island; and

"Whereas this decision was made without consultation with elected municipal representatives or the taxpayers of Scugog township;

"We, the undersigned, call on the Legislative Assembly not to grant a permanent gaming licence or allow the establishment of this facility."

In keeping with the traditions of this House, I have put my name to this petition.

HOTEL DIEU HOSPITAL

Mr James J. Bradley (St Catharines): This petition reads as follows:

"We, the undersigned, refuse to accept the closing of the Hotel Dieu Hospital emergency department and the reduction of available hospital beds. We strongly urge the hospital boards and the Niagara District Health Council to crush the consultant's report. The Hotel Dieu Hospital board has already taken this position. Implementation of the report would have disastrous consequences for the people of our community. We are committed to keeping two emergency departments in St Catharines and beds open."

OCCUPATIONAL HEALTH AND SAFETY

Mr David Winniger (London South): I have a petition addressed to the Legislative Assembly of Ontario. It reads:

"Whereas the right for workers to refuse to do unsafe work is an essential component of health and safety legislation in the province of Ontario; and

"Whereas the threat of sending coworkers home without pay during a work refusal constitutes significant

peer pressure to continue to work in unsafe conditions;

"We, the undersigned, petition the Legislative Assembly of Ontario and the Minister of Labour for the province of Ontario to bring private member's Bill 157, An Act to amend the Occupational Health and Safety Act, before the Legislature for third reading."

I support this petition and I have affixed my signature thereto.

FIREARMS SAFETY

Mr Ron Eddy (Brant-Haldimand): A petition to the Legislative Assembly of Ontario:

"Whereas we want you to know that we are strenuously objecting to your decision on the firearms acquisition certificate course and examination; and

"Whereas you should have followed the OFAH advice and grandfathered those of us who have already taken safety courses and/or hunted for years—we are not unsafe and we are not criminals; and

"Whereas we should not have to take the time or pay the cost of another course or examination and we should not have to learn about classes of firearms that we have no desire to own;

"We, the undersigned, petition the Legislative Assembly as follows:

"Change your plans, grandfather responsible firearms owners and hunters and only require future first-time gun purchasers to take the new federal firearms safety course or examination."

It's signed by over 500 residents of Thunder Bay in northern Ontario, and I affix my signature.

SEXUAL ORIENTATION

Mr Paul Klopp (Huron): I have a petition here from the Exeter Pentecostal Tabernacle, which opposed Bill 167, which was defeated last week, especially with regard to the right of adopting children, and I affix my name to that.

I also have one which is very closely related to it. The St Columbine Catholic Women's League also are opposed to Bills 167 and 45, and any bills which give recognition to such acts as same-sex spousal benefits.

MENTAL HEALTH SERVICES

Mr Tony Ruprecht (Parkdale): You've heard this petition before. It's to the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas the NDP government is hell-bent on establishing a 20-bed forensic facility for the criminally insane at the Queen Street Mental Health Centre; and

"Whereas the nearby community is already home to the highest number of ex-psychiatric patients and social service organizations in hundreds of licensed and unlicensed rooming houses, group homes and crisis care facilities in all of Canada; and

"Whereas there are other neighbourhoods where the criminally insane could be assessed and treated; and

"Whereas no one was consulted, not the local residents, not the business community, not the leaders of

community organizations, not the education and child care providers, and not even the NDP member of provincial Parliament for Fort York;

"We, the undersigned residents and business owners of our community, urge the NDP government of Ontario to immediately stop all plans to accommodate the criminally insane in an expanded Queen Street Mental Health Centre until a public consultation process is completed."

I affix my signature to this petition.

Hon Bud Wildman (Minister of Environment and Energy and Minister Responsible for Native Affairs): On a point of order, Mr Speaker: I object to the term "hell-bent." Perhaps "purgatory-straight" would be more appropriate.

The Deputy Speaker (Mr Gilles E. Morin): This is not a point of order.

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TOBACCO PACKAGING

Mr Gilles Bisson (Cochrane South): I have a petition here on behalf of the fine people of Marathon, representing on behalf of the Minister of Transportation, who is not able to present petitions:

"Whereas more than 13,000 Ontarians die each year from tobacco use; and

"Whereas Bill 119 contains the provision that the government of Ontario reserves the right to regulate the labelling, colouring, lettering, script, size of writing and markings and other decorative elements of cigarette packaging; and

"Whereas independent studies have proven that tobacco packaging is a contributing factor leading to the use of tobacco products by young people; and

"Whereas the government of Ontario has expressed its desire to work multilaterally with the federal government and other provinces, rather than acting on its own, to implement plain packaging of tobacco products; and

"Whereas the existing free flow of goods across interprovincial boundaries makes a national plain-packaging strategy the most efficient and best method of protecting the Canadian public;

"Therefore we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

It's signed by many people from Marathon.

PENSION FUNDS

Mr Murray J. Elston (Bruce): To the Legislative Assembly of Ontario:

"Whereas the public service pension plan is the pension plan established for the Ontario public service; and

"Whereas the government of Ontario has entered into an agreement with the Ontario Public Service Employees Union to split the public service pension plan into two: an OPSEU pension plan for government employees represented by OPSEU and a continued public service

pension plan for all other active, deferred or retired plan members; and

"Whereas the split would unfairly and inequitably divide the assets and the liabilities between the two plans based on terms of the agreement negotiated between the government of Ontario and OPSEU; and

"Whereas the split would leave all pensioners who were members of OPSEU at the time of their retirement or withdrawal from the Ontario public service in the public service pension plan if such retirement or withdrawal occurred before January 1, 1993; and

"Whereas OPSEU negotiated pensions as a bargaining agent pursuant to amendments to the Crown Employees Collective Bargaining Act in which the government permitted pensions to be negotiated and in which the government voluntarily recognized OPSEU and only OPSEU as a bargaining agent for employees in the Ontario public service; and

"Whereas the government of Ontario had previously recognized both OPSEU and other employee representatives as bargaining agents under the Social Contract Act for the purpose of negotiations thereunder; and

"Whereas no employee representatives other than OPSEU were permitted to take part in the negotiations to split the public service pension plan; and

"Whereas the government of Ontario has incorporated the terms of its agreement with OPSEU in amendments to pension legislation and has included these amendments in its budget bill (Bill 160) in order to implement its agreement with OPSEU; and

"Whereas the government of Ontario owes a duty to all members of the public service pension plan, regardless of their bargaining status, to treat them fairly and equitably; and

"Whereas the following members of the public service pension plan do not believe that the split of the assets and liabilities of the plan, as negotiated by the government of Ontario and OPSEU, treats them fairly,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"1. The split of the assets and liabilities of the public service pension plan should not be permitted to proceed unless it is based on an actuarial evaluation mutually agreed upon by the representatives of all members of the plan, including but not limited to bargaining agents in the Ontario public service who were recognized for the purpose of negotiations under the Social Contract Act; and

"2. All payments to pensioners who had been represented by OPSEU during their employment by the government of Ontario should become the responsibility of the OPSEU pension plan."

It is signed by 1,526 people. I attach my signature too.

REPORTS BY COMMITTEES

STANDING COMMITTEE

ON FINANCE AND ECONOMIC AFFAIRS

Mr Wiseman from the standing committee on finance and economic affairs presented the committee's report and moved its adoption:

Your committee begs to report that it has decided not to proceed with the consideration of Bill 160, An Act to amend certain Acts to provide for certain Measures referred to in the 1993 Budget and for other Measures referred to in the 1994 Budget and to make amendments to the Health Insurance Act respecting the Collection and Disclosure of Personal Information / Projet de loi 160, Loi modifiant des lois pour prévoir certaines mesures mentionnées dans le budget de 1993 et d'autres mesures mentionnées dans le budget de 1994 et modifiant la Loi sur l'assurance-santé en ce qui concerne la collecte et la divulgation de renseignements personnels.

The Deputy Speaker (Mr Gilles E. Morin): Shall the report be received and adopted? Agreed.

Shall Bill 160 be ordered for third reading? Agreed.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Mr McLean from the standing committee on government agencies presented the committee's 23rd report.

The Deputy Speaker (Mr Gilles E. Morin): Do you have any statement to make, Mr McLean? No.

Pursuant to standing order 106(g)(11), the report is deemed to be adopted by the House.

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr Mills from the standing committee on regulations and private bills presented the committee's report and moved its adoption.

Your committee begs to report the following bills without amendment:

Bill Pr60, An Act to incorporate Heritage Baptist College and Heritage Theological Seminary

Bill Pr110, An Act to revive Namdhari Sangat Canada (Society) Ontario

Bill Pr125, An Act to revive The Lions Club of Kingsville

Bill Pr126, An Act to revive Electrical Construction Association of Hamilton Inc.

Your committee recommends that the following bill be not reported:

Bill Pr101, An Act respecting the City of Scarborough.

Your committee recommends that the fees and the actual cost of printing be remitted on:

Bill Pr60, An Act to incorporate Heritage Baptist College and Heritage Theological Seminary

Bill Pr110, An Act to revive Namdhari Sangat Canada (Society) Ontario

The Deputy Speaker (Mr Gilles E. Morin): Shall the report be received and adopted? Agreed.

INTRODUCTION OF BILLS

DELTA CHI BETA EARLY CHILDHOOD CENTRE (WINDSOR) ACT, 1994

On motion by Mr Dadamo, the following was given first reading:

Bill Pr128, An Act respecting the Delta Chi Beta Early Childhood Centre (Windsor) Inc.

1510

ORDERS OF THE DAY

ONTARIO LOAN ACT, 1994

LOI DE 1994 SUR LES EMPRUNTS DE L'ONTARIO

Resuming the adjourned debate on the motion for second reading of Bill 159, An Act to authorize borrowing on the credit of the Consolidated Revenue Fund / Projet de loi 159, Loi autorisant des emprunts garantis par le Trésor.

Mr David Tilson (Dufferin-Peel): I'd like to make a few comments with respect to the proposed Ontario Loan Act, 1994. This is a routine bill that the government puts forward which authorizes the government to borrow a very non-routine amount of money. This year, the government is asking this House, through this bill, to authorize the borrowing of up to \$15.5 billion on the credit of the consolidated revenue fund.

When I say it's a very routine amount of money, it's rather amazing that this bill is receiving such little attention as it is, considering the amount of money that we're talking about.

This borrowing authority under this bill, Bill 159, is sunsetted for December 31, 1995. Of course by that time the government will long since be gone.

This year the amount being requested to be authorized to borrow is up to \$15.5 billion. Last year the province borrowed a total of \$12.5 billion. So the borrowing continues. The debt continues. The debt in this province continues.

I'm going to spend some time on what the philosophy of the Finance minister is as to why he's doing that.

In the current fiscal year, the province will borrow about \$11.4 billion, which will be applied as follows: \$6.3 billion will be for the operating account; \$2.2 billion for the capital account; \$1.9 billion for alternate financing arrangements, non-budgetary and project-specific capital; and \$1 billion for refinancing maturing debt.

Interest costs—and this is crucial—this fiscal year will total \$7.9 billion. Interest costs alone will total \$7.9 billion, and that's up more than 13% from last year's levels, making it the fastest-growing amount on the operating account.

That's rather astounding, that the government doesn't seem to be making any effort through its policies to reduce the deficit, to reduce the debt of this province. And how are we seeing that? We're seeing that by the way in which this government continues to spend on policies that we don't need, that we can't afford, and we simply have no way of paying it back.

I think the people in this province are very worried. This bill is an indication of the financial policies of this government and how it's creating much worry to people in the financial community, people who want to invest in this province from other provinces, from other countries, and they're looking at this. They're looking at this borrowing that's going on, the debt that continues to climb in this province.

Our party has consistently opposed the financial policies of the New Democratic Party government, even from its very first budget, when you can remember the Treasurer said, "We're going to spend our way out of this

recession." Then he suddenly realized he was terribly wrong. The Treasurer says the deficit is \$8.5 billion. Others who are more qualified in economics than I say it's closer to \$11 billion or \$12 billion, considering the bookkeeping that's being kept. The fact of the matter is, it's very high. The interest costs, I repeat, will cost \$7.9 billion.

Some discussion has been put forward in the media with respect to the economic policies of this government on the debt and the financing, and of course this is all related to this bill because you have to borrow to pay the interest costs. There's a wonderful paper that was put out by the A.R.A. Consulting Group Inc and gave a commentary on the 1994 Ontario budget.

I'd like to spend some time on that paper because the thoughts are quite concise, and if any of you have read it, well, I'm going to put you through it again because it's worth repeating.

This paper isn't a long paper. It's about 15 pages long and it's got some graphs and it's got some charts dealing with the topic of the measure of fiscal restraint, and of course there really hasn't been a measure of fiscal restraint by the Treasurer of this province. How do I know that? By the very fact of his bill, that he is asking authority to borrow an enormous amount of money and it keeps increasing and increasing since the Treasurer and his government obtained power.

This paper was written by Bill Empey, who is a partner in this firm. Of course, the paper is very critical of the financial policies of this government, as are we in the Progressive Conservative Party. Mr Empey talks about the real measure of financial restraint on page 13. He says: "For 1994-95 the province intends to borrow \$1.5 billion more than is explained in the budget. This amount was even greater in 1992-93." I think it was \$3 billion.

That's a fact, that the government is borrowing more than is explained in the budget.

"In the budget, net financing numbers suggest that Ontario will need \$10.2 billion in new loans"—just in new loans—"in the current fiscal year. The budget indicates that some excess borrowing has already been done—building up the cash balances."

Then Mr Empey asks a number of questions: "How much money must Ontario borrow now and in the future to cover the government's plans? Certainly more than the \$8.5 billion that the minister announced. Likely more than the \$10.2 billion in net financing."

So we've been told the complete story. We know there are all kinds of fancy bookkeeping entries. The Provincial Auditor doesn't approve of that. He hasn't approved of the way the Finance minister of this province is keeping the books.

As well, we now have these new corporations which are going to hold the former debt of this province, so the debt is actually much higher, particularly when you start looking at the Workers' Compensation Board and Ontario Hydro and the debt that's accumulating in those organizations. We'll be spending some time on that in the little bit of time that I'm allowed.

Mr Empey continues: "The review of budgetary items that we have made here already suggests hundreds of millions in delayed spending"—and this is another trick that this Minister of Finance has developed in his reign of terror in this province—" (eg, delayed capital projects and obligations arising from the social contract in 1996) that must be covered in the future."

Can you imagine what's going to happen when this social contract falls due in 1996? It's just going to be just terrible, the expectations that have been put on people in this province and the unrealistic dreams that they think they're going to have as a result of this contract, and I worry. I don't know who is going to form the next government, whether it's the Liberal Party or the New Democratic Party or the Conservative Party. All I know is all heck's going to break loose in 1996 on that one topic alone.

Mr Empey continues: "By the government's own calculations the provincial purpose debt will pass \$90 billion this year, headed for \$100 billion." Unbelievable. "This dubious landmark now seems likely to be achieved in early 1996." That's not far away. "How much debt will foreign markets buy?" That's a question that remains unanswered in this paper, and it worries me when you look at the fiscal policies of this province, the debt that continues to increase and the amount of money that this province is asking this House authority to borrow through Bill 159.

So the question, quite a legitimate question, which perhaps the Finance minister or the parliamentary assistant or whoever is going to be responding at the end of this bill will deal with is: "How much debt will foreign markets buy? How much debt will Ontario tolerate?"

How high can we go—\$100 billion? Can we go higher? When will it be paid off? Why is there not any restraint that's being put on by this government? I know they can blame people, they can blame the recession, they can blame the federal government, they can blame the Conservative Party, the Liberal Party, they can blame everybody in the world, but the fact of the matter is there is no sign of restraint in this government with respect to solving fiscal restraint.

"Many financial commentaries are convinced that Ontario passed most reasonable limits this year and there is a serious risk that Ontario debt will be downgraded to a less-than-investment-grade status. That would seriously erode the province's ability to make choices and set policy in the future."

1520

That's the problem. I know the New Democratic Party has faint hopes of governing after the next election, but whoever it is, that's the real issue: the policies that you're setting now and that you're seeking authority to borrow for in this bill. That last question I'm going to read again, because that's the question that is most important, because we have to continue to look to the future.

"Many financial commentaries are convinced that Ontario has passed most reasonable limits this year and there's a serious risk that Ontario debt will be downgraded to a less-than-investment-grade status. This would

seriously erode the province's ability to make choices and set policy in the future."

It's a very serious issue that I look to the parliamentary assistant or the Finance minister, if he returns, to answer.

Then the paper goes on and talks about a couple of the other items which dart their ugly heads periodically in this House. That has to do with Ontario Hydro and the Workers' Compensation Board. I personally have spent some time debating on the new bill that the Minister of Labour has just introduced with respect to the Workers' Compensation Board and the unfunded liability and how it's being predicted that the unfunded liability, notwithstanding what this bill is hoping to do, is going to increase to \$31 billion in a very short period of time. How is it going to operate? Where's the money going to come from? How are we going to do it? There's no sign of restraint, not one iota. Not even in the social contract is there a sign of restraint.

Interjection.

Mr Tilson: The member makes noises, but the fact of the matter is that there isn't any sign of restraint. The writer goes on to say, with respect to Ontario Hydro and the Workers' Compensation Board, "Ontario Hydro's massive \$35-billion debt is simply noted at the end of the budget." It's just noted; there's just a little reference to it at the back of the budget. A \$35-billion debt of Ontario Hydro and there's simply a note. Why doesn't the Finance minister do something with respect to policy with respect to that utility?

"The utility's current losses and struggles are mentioned in the budget speech, along with a commitment to hold down the recent staggering increase in rates.

"The huge and hidden debts of the workers' compensation fund are mentioned in passing. But the mismanagement of WCB has been the current of extended study and controversy in 1993." This is the part that has been referred to in previous speeches when we were talking about the Workers' Compensation Board. "Some estimates indicate that the unfunded liability"—

Mr Kimble Sutherland (Oxford): What is the unfunded liability?

The Deputy Speaker (Mr Gilles E. Morin): This is not a questions and comments period. Order.

Mr Tilson: Right now it's over \$11 billion and you had no justification to allow it get that high.

The Deputy Speaker: The member for Dufferin-Peel, this is not questions and comments period.

Mr Tilson: Continuing on with this paper—I recommend that you read this, and if you don't have it, I'll get it for you, because it's an excellent paper.

Interjections.

Mr Tilson: You laugh and you chuckle, but you don't do anything. You just sit there like sheep and let your leaders put you into more and more debt in this province.

"Some estimates indicate that the unfunded liability of the fund, which is now \$11.5 billion, could exceed \$31 billion in 20 years. Without mentioning these basics, the budget promises to reduce the unfunded liabilities by \$18 billion over 20 years." This statement I emphasize: "Even

if this effort is successful," and most of us are rather dubious that it will be successful, but even if it is successful, "the current level of obligation will remain on the books." That current level of obligation is going to stay there. "In fact, the proper accounting of the province's debt should include the \$11.5 billion unfunded liability," and that's not being done.

The Treasurer is doing all kinds of unbelievable tricks that have been put forward. I see the member for Scarborough-Agincourt is here in the House, and he has reiterated this point many times, the unbelievable book-keeping tricks and moving things to corporations, moving debts off. But I can tell you, the people at the bond-rating agencies aren't going to accept that.

The conclusion of this report: "A careful reading of the province's financial status reveals a very different picture than the one portrayed by the minister on May 5." That was the budget. "We see accounting tricks and hidden obligations"—I'm not the one that's saying this; this is being said by members in this House, by members of this Legislature, by critics, sound economists who are referring to the tricks of this Treasurer—"that confront Ontarians. These will likely add more debt to the province's load in this year than last—perhaps by more than \$11 billion if all is accounted. Expenditures and other obligations that have been delayed by this budget will add to deficits in the next fiscal year."

That's the other thing; the putting off of debts into the future. There's just no way, whether the Liberals, Conservatives or NDP form the next government—they're going to have an awful time. You have just made an unbelievable mess of the economy of this province and how this place, the province of Ontario, is going to operate in years to come.

Carrying on with this paper: "These obligations make it likely that debt related to the budget will pass \$100 billion by 1996 (or sooner). There is at least another \$40 billion to \$50 billion in accumulating obligations from Ontario Hydro and the workers' compensation fund." That's a very low estimate, in my view.

So finally, with respect to a critique on the budget—and it's a budget that should be showing the signs of restraint and it hasn't, and that's why you've come together with Bill 159 to ask for authority to borrow up to \$15.5 billion—the concluding paragraph: "The budget provides an inadequate accounting of the province's obligations and an unworkable plan for controlling the finances. If Ontario does not get a new plan soon, we will be on an irreversible course to \$150 billion in debt when the term of the government ends next year." Some \$150 billion in debt. What have you done? What have you done to our province?

In some of the opening remarks of this paper, and I'd like to speak to some of those, comments were made by the Treasurer in the budget. I think we should analyse what he says and determine whether or not he is really trying to talk about restraint, because, no question, Ontario does need fiscal restraint now.

Mr Empey—I'm probably pronouncing his name wrong—quotes the Treasurer in his paper. This is from the budget. Mr Empey says: "Now is the time to impose

a strong measure of fiscal restraint on the Ontario government. Spiralling debt is undermining the province's standing with international lenders and eroding confidence among business groups and the community."

That's the word: business confidence. Who has confidence in this province? There's no question that the government is trying to spend its way through government spending, but private enterprise isn't spending; private enterprise can't, because of your fiscal policies. If you don't improve the policies with respect to encouraging private enterprise to operate in this province, we're going nowhere.

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"One immediate response to the budget, by the Canadian Bond Rating Service, has been to place Ontario debt on a 'credit watch' with the threat of downgrading the current rating. Evidence of recovery is the signal that spending should be cut and the deficit eliminated." The province of Ontario "is again failing to grasp the opportunity."

Then he quotes what the Finance minister said at page 18 of the budget: "We are bringing the deficit down in a balanced and responsible way. To reduce the deficit even more this year would slow the recovery and job creation and undermine the services Ontarians value."

That is the policy of the province of Ontario. He says you can't do it. He says it would "slow the recovery and job creation and undermine the services Ontarians value." We cannot afford the services that you're implementing in this province. We can't afford them. We don't have the money to pay for them. You know that.

Mr Empey says: "In this statement the Finance minister reveals a basic inconsistency in his policy. In 1991 the government introduced massive stimulus to create jobs during the recession."

Remember that? That's when he said: "We're going to spend our way out of the recession. We've got lots of money."

Carrying on with Mr Empey's paper: "Now, with evidence of recovery, the minister must move to the next natural step—restraint. Indeed, Ontario's recent history of weak fiscal discipline suggests that fiscal restraint now must at least equal the degree of stimulus in 1991-1992." But that isn't what the Treasurer is doing. He's just going upwards and upwards on debt. How do I know that? I know from what he's asking with respect to Bill 159: \$15.5 billion.

One of the issues, of course, is always jobs. We all talk about jobs in this place. Mr Empey says: "Fiscal restraint will create jobs only if it raises the confidence level of business. The private sector will create jobs when public confidence on economic circumstances is high."

Now, can you ask yourself, have you provided that confidence? I'll be looking forward to the two-minute responses for you to give examples as to how your government has promoted confidence in this province.

Carrying on with the paper: "If serious fiscal restraint is combined with other initiatives that favour private jobs, an economic turnaround can be created. The opportunity to begin serious regulatory reform and to reduce the

burden of tax and implementation was lost. The minister," namely, the Minister of Finance, "was able to point at the right areas—eg the cost of tax and regulation, workers' compensation and Ontario Hydro rates—but nothing significant was delivered."

He mentioned them very briefly in the back of his budget but he did nothing, and he continues to do nothing, even in his bill. Even the Workers' Compensation Board bill really does nothing with respect to that unfunded liability.

"Instead of creative solutions, the government resorted to the use of questionable accounting tricks and fiscal deception."

I'm allowed one half-hour with respect to making comments on this bill, but I'd love to spend half an hour on this topic alone: the creative solutions that this Minister of Finance has put forward to try to trick us in the opposition, the bond rating people and the people of this province that everything's okay, that the debt's not going up, that it's going down.

In the comments that follow, here are some examples of these tricks:

—"Accounting illusions

—"Fiscal timing: hidden delays as economy

—"Shifting responsibilities to other governments." In other words, downloading.

—"Fiscal terrorism"—and these aren't my words; these are the statements of this report, and there have been other reports, other papers like this. "Fiscal terrorism: inflated estimates and illusory solutions.

—"Straw man' or false targets

—"Leaving out the detail."

Then the paper goes into a considerable number of charts showing the extent of the private domestic restraint. That's the problem, when you start thinking of it, of the domestic part of our sector, of our economy: the restraints that they've been forced to put through, because if they don't, they're going to go under. If they don't have restraint, they're going to go under. Everyone has practised restraint, except the province of Ontario. I, for the life of me, can't understand, when a bill like this comes forward, that there aren't more signs of restraint—not more signs; that there aren't signs of restraint.

The final area I'd like to refer to is with respect to page 6 and 7 of this paper. "The weak economy is closely linked to the low level of public confidence in government."

The minister said on page 2 of his budget speech: "Ontario is getting a vote of confidence from business investors. Investment in machinery and equipment is expected to increase by over 10% to more than \$21 billion" this year. This is what the Treasurer said in his budget.

But as this paper points out, "The minister overlooks the monstrous 75% decline in non-residential construction between 1990 and 1993." Who's building apartment buildings? Who's building them? Well, non-profit housing is having a wonderful time, but there is no construction in the private sector apartment business.

"This area of business investment will not return to previous levels of activity until the next century." That's the prediction of this writer.

Then the minister returns to the matter of investment and confidence when he says, and this is at page 9 of his budget: "This government is providing a competitive corporate tax system to attract new investment and create jobs. Ontario's corporate...tax rate for manufacturers is more than 4 percentage points below the US average." That's what the Treasurer said.

But this statement and others like it have said: "The assertion that Ontario's tax system is competitive is not borne out by more sophisticated analysis. The government's own Fair Tax Commission had research done by Jack Mintz at the University of Toronto that analyses the impact of Ontario's corporate income tax on business investment. The results show that Ontario imposes a higher tax on new investment than any other province in Canada. Many other areas of tax in Ontario are also high in comparison to other provinces and states."

The tax levels in this province have got so out of hand that I don't know how private enterprise has stayed alive to date as it has. "These high tax rates undermine business confidence." Keep those words in mind: "business confidence." If you tax people to death, people who are going to invest in this province won't invest because of fiscal policies of high taxes. "These high tax rates undermine business confidence, turn away new investment and encourage the growth of the underground economy."

With one minute left, I would like to spend some time on the underground economy, and we know, of course, I can't do that, but that has been debated in the past. In fact, we found out with the cigarette tax the effects of the underground economy and how we lowered taxes, and we're going to be talking about the tobacco tax in third reading. But that's what's going on in this province. People are being forced, because of the high tax measures, to get into the underground economy.

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): What about the GST?

Mr Tilson: Oh, GST? Give me a break. You know perfectly well that the policies of your government have driven us down, down, down, and the debt has gone up, up, up, as has been shown by Bill 159. Otherwise, why are you asking for all this money?

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The Deputy Speaker: Questions or comments? If not, further debate.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate and spend a little bit of time on the bill. I think everybody appreciates what we're dealing with here. It's a bill by the government requesting the approval of the Legislature to borrow \$15.5 billion between now and the end of the calendar year.

It's an opportunity for us in the Legislature to reflect on the very serious problem we have in this province and in this country around the whole area of debt and the problems it will present to all of us as we try to deal with that in the future.

The problem is that when we're dealing with numbers in billions, I think it becomes almost irrelevant to individuals in many cases. But the fact is that in Ontario, when Premier Rae became Premier, the debt of the province was roughly \$40 billion. Four years later, after four Rae budgets, the debt of the province is \$90 billion. It took the entire history of the province to accumulate a debt of roughly \$40 billion and it has more than doubled in the four years since Premier Rae became Premier.

What does that mean to us all? What it means is that when he became Premier, for the average family in this province, their share of the provincial debt was roughly \$12,000. So each family in round terms was paying about \$1,200 a year in interest payments to service that debt, to pay the interest on the debt. Now it's gone to \$90 billion and the average family owes \$30,000 in debt and is paying roughly \$3,000 a year just to service the interest on that debt. Believe me, it is costing that amount of money. This year, we will be paying out roughly \$8 billion in interest charges, and that comes from no one else other than the taxpayers. So we all have an enormous stake in this issue.

The reason we are borrowing \$15 billion is because we've seen the province take its debt from \$40 billion to \$90 billion in four years. For anybody who likes to look at numbers, there's a chart in the budget that I find fascinating. It's a 10-year history of the finances of the province. You can see, when Bob Rae became Premier, the public debt interest as a percentage of revenue—this is a measurement we all use, that is, how much of the revenue, the tax dollars we're bringing in, are we using just to pay the interest on the debt? It's some measure for the taxpayers of where they are having to lay their hard-earned tax dollars out. When you're paying interest on the debt, frankly you're getting no service for that.

When Bob Rae became Premier of the province, we were spending less than nine cents of every dollar we brought in to service the debt, to pay the interest on the debt. This year, we have more than doubled that. Roughly 18 cents of every dollar that we bring in now in the province is going straight out the window to pay the interest on the debt. You can see the trap we're beginning to get into, which is that all of the increased revenue that's coming into the province is going right out to pay the dramatically increasing interest on our debt. We used to spend nine cents of every dollar we brought in on the interest payments; it's 18 cents now.

Debt as a percentage of gross domestic product: This is a measurement that is used really around the world to give some indication of the stability of governments around the world, what is the government debt relative to the gross domestic product, gross domestic product being a measurement of the output of the economy. When Bob Rae became Premier it was under 15%.

Mr John C. Cleary (Cornwall): Bob who?

Mr Phillips: When Bob Rae became Premier it was under 15%, the debt as a percentage of GDP. This year, according to the budget, it will be over 30%. When you combine that, I must say, with the federal number, we now have the unfortunate distinction that in Canada the debt is over 100% of our gross domestic product.

It is a serious problem that is having a profound impact on our ability to provide services in the province. What's the reason for it? I'd say there are three fundamental reasons. I think even the Premier would acknowledge now that if he could ever turn the clock back to that first budget, it would have been a very different budget. We all learn from mistakes, but that one was a significant mistake.

Interjection: Sounds like David Peterson in 1990.

Mr Phillips: I appreciate the comment because I'll have a chance to respond.

The first Bob Rae budget where they were going to spend their way out of the recession was an enormous mistake. I've read and re-read that budget many times. The word "restraint" is not in the budget. You can't find the word "restraint" anywhere in that budget. This was the only government in North America that presented a budget that year that didn't talk about restraint and the need to get spending under control.

I can remember what the words were: "We are proud to be fighting the recession. This is not the time to be fighting the deficit."

Mr Cleary: Spend their way out.

Mr Phillips: "Spend their way out," my colleague says. They took the deficit from \$3 billion to \$10 billion, and now we have gone through enormous pain as the government attempts to rectify that problem, but we haven't rectified it.

We now have seen four straight budgets with deficits over \$10 billion. Although this budget, the one that was presented, said that the deficit was going to be \$8.5 billion, I will say, as all of the analysts out there say, that the 1994 deficit is not \$8.5 billion; it is at least \$2.5 billion more than that. The money markets have seen through that, the analysts have seen through that, virtually everybody in the province has seen through that, and I think we'd do ourselves a service by saying, "Yes, the real number is substantially higher than \$8.5 billion."

Problem number one was that spending didn't work. Problem number two was that the government, as we remember, took taxes up for three straight years. I believe the hope was that the tax revenue would go up, on average, by over \$1 billion a year. Three straight years with dramatic tax increases: one year, \$1 billion; the next year, \$1 billion; the next year, \$2 billion.

In that same period of time, what happened? When the government expected tax revenues to grow, tax revenues actually declined. Why is that? It's clear now, as we look back on it, that it was because the tax increases had a dampening impact on the economy. Even now, as we head towards the half year and on into the end of 1994, the Ontario economy is still producing less in 1994 than it did five years ago, which is an amazing statistic.

We've had a significant growth in population, a significant growth in investment and capital equipment, but at the same time the province is still putting out fewer goods and services than it did five years ago. Why is that? Yes, North America has had a problem with the recession. Yes, Canada has had a problem with the recession. But Ontario has had a unique problem. We

have had a longer, deeper, more profound recession than anywhere else, and I would submit to you that it's a combination of the fact that there's a lack of confidence in the government's ability to manage its finances and the fact that the tax increases had a counterproductive impact on the economy. Not only did we not get the revenue; we've dramatically slowed the economy down.

The third problem, of course, is the one we all talk about, and that is jobs. I recall clearly coming back in September of 1991. Bob Rae, the Premier, got up and said: "Jobs are our number one priority. This is where we're going to focus all of our time and attention." Since then, on at least four other occasions, different times, it's been the same message, but what has actually happened is that in 1993, and remembering that jobs have been the Premier's number one priority, he says, for some time, we actually saw more people out of work in the province of Ontario than at any other time in the history of the province. I might say that this budget predicts that there will be fewer jobs created in Ontario in 1994 than there were in 1993.

I couldn't believe it when I picked up the budget, that the government, in its own document, is saying: "Yes, it's true. We are going to see fewer jobs created in the province of Ontario in 1994 than we did in 1993." For those of you who have a budget at home, it's on page 51. If that is the case, we're going to see more people entering the labour force than jobs are created and we're going to see a record number of people out of work in 1994. All those three things have come together to mean that we have a serious problem with our debt in this province.

1550

I want to talk briefly as well about the games that I think are being played with the finances, and the reason I want to talk about them is that somebody is going to have to deal with these in the future. It is important that we all understand what is happening.

The first game is something called loan-based financing. That may sound a little arcane, it may not be of immediate importance to the public in Ontario, but I think it is. The reason is, it used to be that the province every year spent roughly \$1.6 billion on schools and hospitals and colleges and universities and transportation and things like that and provided it in the form of a grant. So we've recorded the \$1.6 billion as an expenditure. It went out in the form of a grant.

We're not showing that as an expenditure this year. The province is saying to those organizations: "You go spend the \$1.6 billion, but we don't want it on our books. You go borrow the money." So the school boards in this province are out borrowing the money right now. "But whoever you borrow that money from, tell them not to worry because we will guarantee to repay it over 20 years." I said, "Listen, as far as I'm concerned, in five years, there will be \$8 billion, just in five years, of debt hidden off the provincial books, over on someone else's books, but the province has 100% of the responsibility for that."

I will say, \$8 billion is an enormous amount of money. It's more than the debt of Manitoba, New Brunswick,

Nova Scotia, Newfoundland—it's more than the total provincial debt of five of the provinces. But it's all going to be off the books, hidden away for someone else to manage.

The second game they're playing, in my opinion, is the whole issue of asset sales. What the government is doing, as we all know—

Hon Mr Buchanan: If you're going to talk about other provinces, talk about how they're going to do it.

Mr Phillips: The member is heckling across the way, but it's important, I think, that the public understand that all the government buildings in Ontario which are owned by the public—there's a phantom sale going on right now. They are being sold to a government agency. The government then says, "Well, we've sold the buildings—that's revenue." It's right in the budget. They're reporting \$250 million worth of revenue, and then they immediately lease them back.

I have no difficulty with the government selling off excess assets. It makes all the sense in the world. Any asset we don't need, we should be selling it, as long as the market is reasonable for a sale, and using that money to reduce our debt. But in this case, it's not a sale. It's an absolute phantom sale. It simply is moving to a crown agency and then immediately leased back.

The third area of concern on the budgetary matters is what's happening on the pensions. This will truly come home to haunt us because there is a combined unfunded liability in our two major pensions, the teachers' pensions and the public sector pensions, of \$10 billion. It is growing every year at roughly \$800 million, roughly 8% each year. So the \$10 billion would become \$10.8 billion, then the following year it will add another \$800 million. But the province has decided to make no payments against that \$10-billion unfunded liability—zero.

So all we're doing is—the costs are still going on there, the expense is still going on—we've just stopped payments. The reason they stopped payments is because they don't report that in the financial statements as part of the provincial debt. So it's an easy way to avoid showing a significant accumulation in debt. We'll just stop the payments against this one. No one sees that as a growing debt at \$800 million a year.

The reason I raise all of these things is because the province in the last three years—the reported three deficits, combined, were roughly \$30 billion, but the province actually borrowed, \$37 billion. So we borrowed \$7 billion more than you would think we needed just looking at our deficits. A key reason why that happened is because they had to borrow money to buy the government buildings and they had to borrow money to provide for what's called loan-based financing. We are seeing now the true impact of all of the accounting tricks: Our borrowing requirements are far higher than our accumulated deficit.

The secrecy is beginning to come off these numbers. The problem is beginning to really manifest itself. The first signals that have come out have been from the credit-rating agencies because they spend the time to look at these numbers. As people in the province know, when

Bob Rae became Premier the province had an AAA rating. We've had three downgrades since then. We now have something called an AA-, so we've been downgraded from AAA to AA+, AA, AA-.

What does that mean? What it means is our borrowing costs go up. There's a rule of thumb in the industry that says historically for every downgrade you pay one quarter of 1% more interest on your borrowing costs. What that means is that for every downgrade, we spend \$25 million more for \$10 billion worth of borrowing. We calculate that the downgrade is costing the province right now \$150 million, for nothing other than the fact that our ratings have been lowered. We get nothing more for that; it's just the increased cost, the higher interest rates we must pay as a result of this credit downgrade.

There are some storm clouds on the horizon. As you follow, I'm sure, Mr Speaker, what's going on in the markets as we speak, where many foreign lenders—and by the way, I think in the last two years we've been the biggest international borrower outside of what's called sovereign countries. Countries have borrowed more money than Ontario, but after countries, there's been no other organization, no other state, province or company that has borrowed as heavily as Ontario has on the international markets.

Now we're beginning to see the impact of that. It is becoming more difficult for the province to borrow. The spreads are widening. It's becoming more expensive for the province to borrow. Part of the reason we're seeing interest rates rise—certainly the Quebec election's impacting it. I think if you talk to people in the money markets, it is the combination of the debts of the provinces and of the federal government.

I wanted to spend a few minutes just getting that on the record, to say that the reason we are borrowing dramatically more money than the reported deficit—and realize we're going to the market for \$15 billion; the reported deficit was \$8.5 billion—is because we have to provide funds for some of the games we're playing: the loan-based financing—the parliamentary assistant's shaking his head, but it's true. It's true. You are borrowing money to pay for the games.

As a matter of fact, the Treasurer, or the Minister of Finance as they now call him, confirmed that. He said that just on these—he calls them alternate capital financing; I call them the games—alone, \$2.5 billion.

This bill obviously will carry, but I think it's important that the public understand the trap we're getting into. The public I hope would take some time some day to get a copy of the budget and look at the very troubling numbers as we see public debt interest as a percentage of revenue, which is how much of your tax dollars are going to just pay the interest on the debt.

It was in a strong downward trend until 1990-91. Since then it has more than doubled; virtually 18 cents of every tax dollar now is going for nothing other than to pay the interest on the debt. The debt as a percentage of our output has more than doubled; it's now over 30%. We are running the risk of getting ourselves into what even the Premier called a debt trap. The Premier, at one stage, said, "Listen, we are in danger of heading into a debt

trap." Make no mistake: The federal government is trapped in that debt trap. Some 34 cents of every dollar you pay in federal taxes go just to pay the interest on the debt.

So I'm always cautious to say that one can't blame all of the problems in the province on Bob Rae. I've always said that. It is unrealistic. The public understand that Bob Rae didn't singlehandedly create the recession and didn't singlehandedly create all the problems.

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Hon Marion Boyd (Attorney General and Minister Responsible for Women's Issues): Had a lot of help from you.

Mr Phillips: A lot of help from us. They provoked me again. Gosh, I often say that I almost think we tricked you into winning the election. Believe me, that wasn't my intention. I'd much rather be where you are than where I am, but I am here and you're there.

Anyway, I know you like to think it was all someone else's problem. Whether it's the federal government or it's free trade or it's NAFTA or whatever it is, it's someone else's problem. I just want to quote from the Provincial Auditor, because I think people have confidence in the Provincial Auditor; frankly, they have a lot less confidence in politicians. They've got confidence in the Provincial Auditor. He looked at the issue of the deficit. I know you're fond of saying: "You said there was going to be a surplus. You left a \$3-billion deficit. You dirty Liberals, you were awful to us."

What did the Provincial Auditor say about that? Firstly, he said Ontario has had only one surplus in the last 20 years. This was the report in 1991, so it's really only one surplus in 25 years. That was the year ending March 31, 1990. That was the only surplus in 20 years. To my Conservative friends, I know they're fond of being the good money managers, but I say, listen, the Conservatives went 15 straight years and never ran a surplus, good times, bad times, all of those things. But Ontario has had only one surplus now in 25 years, the year ending March 31, 1990.

Then the election was called and held about five months later. There was supposed to be a second surplus, as we all know, that turned into a \$3-billion deficit. Everyone wanted to know: "How in the world could that happen? How could you present a budget that called for a surplus and end up with a \$3-billion deficit?" The auditor provides the answer here, which all the public, I hope, will take an opportunity to read, because I know the NDP would love to blame Bob Nixon and David Peterson. Here's what the auditor said.

There was a surplus forecast, and the actual deficit ended up at \$3 billion. The major factors contributing to this variance were: The extent of the recession, which was not foreseen at the time of the budget, resulted in total revenues dropping by \$1.1 billion. So he said it was reasonable when the budget was presented to expect the revenues to be what was forecast, but then the recession came and revenues dropped by \$1.1 billion. I say to my business friends, that's about 2% of the revenue. I imagine many businesses in this province, over that

period of time, were off by more than 2% of their revenue forecast.

He said the second thing leading to the \$3-billion deficit was that there were payments of about \$1 billion, with the increase in social assistance payments being the major contributing factor. That's the second thing not foreseen: The recession hit, social assistance costs went up.

We've now accounted for \$2.1 billion. The third thing, the other \$900 million: Special payments were made by the new NDP government. They came in and decided to make special payments that weren't planned for. One of them was \$200 million of teachers' pension spending. That wasn't due till the following year; it wasn't supposed to be paid for another 12 months. But I guess it looked like the deficit was going to get under \$3 billion, so they moved a \$200-million expenditure up.

The second expenditure was the \$400-million UTDC, Urban Transportation Development Corp, loan. The \$400 million wasn't due; it was written off. That's fine. It had to be paid at some time. They decided to pay it then. It hadn't been planned then, but they moved it up.

And of course they wrote off SkyDome, \$321 million. Probably not a bad idea. Come in, get that off the books, and then actually you can show it, when you sell it, as revenue, which of course the government did just last year. They finally sold the Dome and were able to show that as revenue coming in.

The reason I go through all of that is because one of the members across wanted an explanation of that, of how was it that you ended up with a \$3-billion deficit? The auditor gives a very good explanation, which I appreciate, and as I say, it's well worth reading.

That doesn't mean that the NDP didn't come in when there was a recession. There's no doubt about that. It doesn't mean that they didn't face a difficult time. There's no doubt about that. But I don't think any objective observer could conclude anything other than that the finances of this province have been severely mismanaged by the Rae government, and it started basically with the very first budget, with the \$10-billion deficit. That was the hole that we dug ourselves, and now we're paying an enormous price to get out of it.

One of the prices we'll pay is this bill we call Bill 159, which is designed to authorize the government to borrow another \$15 billion. As I say, we will in the end approve it, but that's how we got to where we are and that's why we're being asked to approve once again an enormous borrowing bill.

Mr John Sola (Mississauga East): I would like to take advantage of this opportunity to speak, because I was intending to speak on the budget, but seeing as how the budget debate is being delayed, I think I will incorporate my views on the budget with Bill 159.

I would like to start by saying that Bill 159 shows exactly what is wrong with our system, because it is giving authority to the government to borrow up to \$15.5 billion to provide ad hoc solutions to problems that appear to be ad hoc but are essentially long-term problems. They are inherent in the system, which has devel-

oped over a long period of time in response to problems of a bygone era and which has become part of our bureaucratic approach to problem-solving. This bill is part of the problem and not part of the solution. It will allow the government to spend, as I said, up to \$15.5 billion which it doesn't have.

Here I'd like to point out that it is one thing to borrow against expected revenue; it is another thing to borrow over and above expected revenue, and this bill does exactly that. Even according to the budget estimates of an \$8.5-billion deficit, that means this government will only be able to cover \$7 billion of this \$15.5 billion it expects to borrow. This borrowing will meet operating expenses that are partially inherited but that are also partially the direct result of government decisions, and these decisions were not based strictly on government business criteria, but also, and probably to a greater degree, on political criteria.

Here I would like to refer to a speech that was made by Mr Ted Ball, the chairman of Quantum Solutions, to a meeting of the strategic planning board at the Sunnybrook Health Sciences Centre on May 11 this year. It was entitled "Nibbling At The Edges, Cutting At The Margins Just Isn't On Anymore," and it was a speech held on Ontario's health, education and social service systems to a series of professionals who were meeting to try to solve those problems.

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I'd like to refer page 7 of that where he refers to the remarks made by Paul Martin Jr after the federal budget on April 18, but also refers to the measures taken by the provincial government subsequent to that. He quotes the Minister of Finance, Mr Martin, as follows:

"We regard next year's budget as the one that is going to set us on the road to the eventual elimination of the deficit. And what that means is a complete restructuring of government, and it is going to mean major, major cuts which are going to affect every sector of our society. Nibbling at the edges, cutting at the margins just isn't on any more." That's a quote from Martin's speech.

Mr Ball goes on to say:

"One would think that that is a fairly clear indication about the future. But one week later, when the provincial government failed to make the modest 3% cut in transfer payments that most people expected, many of our opinion leaders in the health, education and social service sectors appear once again to be deluding themselves into believing that somehow the day of reckoning will never come.

"But the reality is that by putting off this year's budget cuts to accommodate for the election"—those are his words—"the pressure on the next government will be enormous, whoever the government is. The fact is that the next government will be faced with a juggernaut that the system will be required to swallow all at once."

In addition to the problems the next government will inherit, my concern is focused more on what the next generation of Ontario taxpayers will inherit. What about our students graduating from Ontario community colleges and universities? What kind of economy are they graduating into? An economy that has no jobs for them, but an

economy that is throwing an enormous and ever-growing burden upon their shoulders. Debt yes, jobs no. How are they to be expected to repay this debt if we don't provide jobs for them?

I'm talking about those young people fortunate enough to have the ability to attend and graduate from an institution of higher learning. I'm talking about those who have had the opportunity to attend such institutions and those who have had the means, the financial resources, to go to these schools. If we are being unfair to these young people who can be considered privileged, what are the prospects for those youth who have dropped out of school for lack of means or lack of ability or lack of opportunity or any combination of the above? How are they going to shoulder their fair share of the burden?

Bill 159 is unavoidable under our present system. What we need is a new approach, a long-term approach, one that looks beyond the next election.

Now I want to refer back to that speech I was talking about by Ted Ball, the chairman of Quantum Solutions. I want to read into the record just certain highlighted portions, parts of his speech that are written in large print and which he elaborates on in the rest of the speech. I think just reading the highlighted sections can give us a perception of what we need to solve our problems for the future.

On page 2 he says, "We can no longer deal with the funding crisis on an ad hoc, institution-by-institution basis." On page 3 he says, "What a decade worth of studies have told us is that the existing system needs to be fundamentally restructured, reconfigured and reformed." Going on, he says, "If we fail to take a fully integrated systems approach to the restructuring of our human services system, we'll be in danger of losing medicare and our social safety net altogether."

He goes on to say, "If we're going to succeed, we're going to have to learn to work together, instead of pointing fingers and trying to figure out 'who is to blame.'"

I think that's one of the major problems of our system today. Every party in this chamber, both opposition parties and the government, seems to be more concerned in pointing fingers at the other two parties rather than facing the problems and coming to a solution, and the only way we'll come to a solution is if we face up squarely to what the problems are, forget who caused them, and try to solve them for the next generation. That means we have to get our act together, all three parties.

Mr Ball goes on to say, "In our anxiety, and in our fear of change, we tend to look for people to blame for the problems that we have collectively created." I think that's important. "We have collectively created" means not just the politicians, that means society in general, because politicians react to what people want, and when people ask for more than they're entitled to get, that's what causes the deficits that we have.

Here it's the private sector, the business sector and the rest of the community, because the business sector, in some instances, has been no better than common folk in asking the government to provide more than the govern-

ment should and more than the government can afford.

He says: "The trend towards decentralization, devolution and local community empowerment is a global phenomenon." That is one thing that he is suggesting, that we have to decentralize. That means less and less of the decisions have to be made in this House.

He goes on to say, "Hierarchical, centralized bureaucracies designed in the 1930s or 1940s simply do not function well in the rapidly changing, information rich, knowledge-intensive society and economy of the 1990s." And how are we going to change? By restructuring and "restructuring needs leadership and cross-sectoral cooperation if it is to be successful."

Finally, "We are now entering an era in which the focus will be on outcomes and value for money." I think that's the critical point. We have to get value for our money because the previous approach threw money at problems in the hope they would go away, and all that did was the problems increased.

I have to refer back to the government again. This government when it came to power in 1990 inherited an operating surplus of approximately \$200 million. It was their decision that transformed this surplus of \$200 million into an overnight deficit of over \$7 billion. That started the ball going downhill, and that's what created a \$40-billion accumulated debt for the province to become \$90 billion over a four-year span.

If the Treasurer had to do it over again, he probably would come up with a budget that was similar to the budget he came up with in 1994, and I would like to create a "what if?" scenario or a make-believe scenario, if the first budget had not been the one that took a \$3-billion deficit to over \$10 billion, that turned an operating surplus into a huge operating deficit, and what the situation would be today.

If we play flashback or "what if?" or make-believe, we can ask, what if this budget of 1994 replaced the budget of 1991? What if the Treasurer had not said, and I want to quote what he said when he introduced his budget in 1991: "Mr Speaker, I think it is important for people to understand that we had a choice to make this year: to fight the deficit or fight the recession. We are proud to be fighting the recession."

Those are his words. That is a decision of that government and that is the reason he is in a situation out of which he does not see how he can escape, because had he had even this budget of 1994 back three or four years ago, he would not be faced with the lack of choice that he has today. I think the member for Etobicoke West said it best when he said that the government had an optionless choice. They had backed themselves into a corner in which they had no choice but to move in the direction that they didn't want to move in.

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For instance, had they had this 1994 budget in 1991, their deficit this year would not be approaching \$8.5 billion, according to their figures. It might not even be approaching half that. Had they had this budget of 1994 back in 1991, the accumulated debt in the province would probably be closer to \$60 billion than the projected \$90

billion. I'd like to ask the Treasurer and the government whether they would not prefer a situation in which their accumulated debt was 50% lower than it is projected to be. Imagine the manoeuvrability they would have in their budget decisions, in their budget choices.

Now I want to point out something else in this document that I've been reading, "Nibbling At The Edges," and it concerns change, how to approach change, how to implement change, and I think it's one consideration that all three parties should look at when they contemplate change. It will point out why I think this present government has been unsuccessful in implementing much of the change it has tried.

Mr Ball quotes a 1957 address by a person by the name of Bossee, who listed 10 key points about change, and they are the following:

"Change is more acceptable when it is understood than when it is not;

"Change is more acceptable when it doesn't threaten security than when it does;

"Change is more acceptable when those affected have helped to create it than when it has been extremely imposed;

"Change is more acceptable when it results from an application of previously established imperative principle than when it is dictated by personal order;

"Change is more acceptable when it follows a series of successful changes than when it follows a series of failures;

"Change is more acceptable when it is inaugurated during the confusion resulting from another major change;

"Change is more acceptable if it has been planned than if it haphazard;

"Change is more acceptable to people new on a job than to veterans;

"Change is more acceptable to people who share in its benefits than to those who do not; and

Change is more acceptable if people have been trained for improvement."

These are points I think we should all take into consideration because too often we have ignored most of those. We have maybe just taken advantage of the confusion principle in trying to incorporate change.

I would also like to touch on some other points from the budget, and that is how destructive strict adherence to ideology can be when there is a change in government, when one does not take into consideration circumstances as they are but circumstances as one would like to believe them to be, and when one goes ahead despite warnings from all sides, despite a serious attempt by all sides to be constructive rather than destructive. When the Treasurer brought in his budget in 1991, the private sector, both opposition parties, I think most sectors, stated that the situation had changed.

The government itself was aware that the situation had changed, because the 1990 budget had projected a surplus and what this government inherited, partially through its own decisions, was a deficit. Despite that, they closed

their eyes and went ahead in order to appease some of their political backers.

What was the result? Because of decisions made in 1991 which put askew all of the financial possibilities of the province, the government had to renege on written agreements with its own employees. It had to introduce the social contract, and due to the social contract, this government lost the support of most public service unions. They are partially to blame because they also ignored the realities of the time and figured, "We have an NDP government in power, and now it's our turn at the trough." They got settlements that were higher than inflation, they got settlements that skewed the financial situation in the province to such an extent that in 1993 the government had to come up with a social contract, cutting back salaries by 6%, forcing the members of this House to cut their budgets by 5.5%, which many of our employees felt in their pocketbooks, and creating an environment, a tension that still has not dissipated.

They feel it on hustings right now. There is an animosity towards this government from the public sector unions, but also some private sector unions, that was never there before. That is based on a conscious decision, a political decision, not a business decision, made by this government in 1991.

I have to issue a challenge to all sectors of society that we have to be conscious of what we're doing to our own children, to our young people in our excessive demands today, because every future deficit will fall, not on the shoulders of the present generation of taxpayers but on the next generation of taxpayers. Every future deficit is going to create a situation that will be unbearable to the next generation of taxpayers. The provincial debt could more than double in four years because the NDP government decided to step on the gas pedal of spending in 1991.

Despite their best efforts, according to the 1994 forecast, even stepping on the brakes with both feet of all the cabinet members, they do not see righting the financial ship of state, the operating deficit, until 1998. I'm not talking here even of the total deficit; just the operating deficit will not be balanced until 1998 because of a decision made in 1991. That shows the consequences of a wrong decision at the wrong time.

In the last couple of weeks we have had a lot of noise made about the word "leadership." Leadership meant to certain interest groups, giving in to certain minorities. Leadership meant ignoring the wishes of the majority.

Wherever I go within my riding or within the province, the overriding concern seems to be taxes, overtaxation, and people don't differentiate between a municipal tax, a provincial tax and a federal tax. To them, a tax is a tax is a tax and a politician is a politician is a politician, whether he represents a city, a province or the federal government. Therefore, when they are fed up, we have to listen. Leadership sometimes means saying no, and I would say probably more often than not it means saying no to the special interest groups that say: "Cut everything else but don't cut my special project. Don't cut that which will affect me."

Leadership means being honest with the people, presenting the total picture and presenting a long-term goal that will eventually get us out of the mess we are in. Leadership does not mean giving in to public pressure. It does not mean looking at the political winds and saying, "Within a short span of time there will an election. Therefore, we have to make sure that the electorate is with us," because we have seen in the last four years what that means. It means a situation that was solvable four years ago is almost unsolvable today.

When one looks at the language we use, I think if we look through the last four budgets we can see how we can delude ourselves. For instance, in the 1991 budget, in the table of contents you'll see a heading, "Effective Fiscal Management." It gives the indication that the government knows what it is doing, that it has everything under control. If that was the case, I would ask, if in 1991 the fiscal management was effective, why do we need the following headings in the 1992 Ontario budget? "Controlling Spending and Maintaining Services" is one heading; another one is "Keeping the Deficit in Check." In 1991 we claimed we had things under control; in 1992 we tried to repaint the same picture.

Then we take a look at the 1993 budget. What does it say? There's one heading, "Maintaining Services, Controlling Government Costs," and another heading, "Controlling the Growth in Debt." If things were under control in 1991 and 1992, why do we need a heading in 1993 to control the growth of that debt?

I want to look at this year's budget. Again we have "Reducing the Deficit." We supposedly had things under control for three years, we supposedly had reduced expenditures, we supposedly had reduced the debt, and here we have a heading, "Reducing the Deficit."

I think in future budgets we have to cut out the rhetoric, stop trying to paint a nice picture, and present the stark reality to the people of the province. I think in that instance the people of the province will be more willing to tighten their own belts, even though they've been doing it for a while, will be more willing to accept strong measures that hit them where it hurts. Because they would see that at the end of the line there is a solution, I think they would be more willing to go along with the solutions we are offering them.

In conclusion, I just want to say that we have come into a situation in which we have to repeat the phrase that the member for Etobicoke West said, that we have an optionless choice. We have to reduce government expenditures, we have to reduce the expectations of the electorate and we have to face reality, because if we don't, we are selling down the drain the future of this province, the future of this country and the future of our youth, who are the ones who will be bearing the burdens of our mistakes.

Mr David Johnson (Don Mills): I congratulate the member for Mississauga East for bringing another voice to this debate with regard to allowing permission for the Finance minister of the province of Ontario to borrow \$15.5 billion between now and the end of next year.

The member for Mississauga East has raised the question of the deficits over the period of years and has

raised the question of the total debt, which, as we now know, will approach and exceed \$90 billion by the end of this fiscal year. I think he's quite correct in pointing out the deficits and perhaps the inaccuracy of the forecasting for the Finance ministry. The Finance ministry is proud to say their deficits have come down, but the reality is, from three years ago, a borrowing of \$15.5 billion for one year to balance the books—borrowing \$15.5 billion to pay for operating costs in one year, adding \$15.5 billion in debt. Yes, then it did drop down to about \$11 billion or \$12 billion the following year. That is not, in my books, I might say, a major success, and I suspect the member for Mississauga East shares that view.

The announced borrowing level for this fiscal year, which is part of this whole bill that we're dealing with today, is \$10.5 billion and, yes, that is down if they meet that target. I might say there are many sceptics on this side of the House, and the public—millions, I suspect, in the public. With interest rates going up, with the Bank of Canada rate having gone up yesterday, it's almost a certainty that the government will have great difficulty meeting its \$10.5-billion target. We'll be borrowing more money, adding more debt, and I'm sure this is a great concern to the member for Mississauga East.

The Deputy Speaker: Any further questions or comments? If not, you have two minutes to reply.

Mr Solá: I'd like to thank the member for Don Mills for his kind words and also congratulate him on his speech last night, because I was here for most of it. I thought he was also trying to be objective in his analysis. He was trying to refrain from pointing fingers as much as he could because he did, at that time, acknowledge that the situation we're in today is the result of decisions taken by all three parties when they were in power.

As the report that I had read into the record earlier states, we have to refrain from trying to find people to blame, from pointing fingers. We have to start concentrating on the solutions. The solutions are not easy. The solutions will be difficult, but because they are difficult they will require all of us in this chamber, all three parties, to get our act together, because we have a tough message to sell to the public.

Up to now, it has been customary in this country and in this province that we try to paint the pot of gold at the end of the rainbow for everybody, and everybody's wishes were just an additional colour to the rainbow. But I think right now we have to start facing reality that, as we follow the rainbow, it keeps moving away.

I think we all want to be fair to our children and to our grandchildren and to give them a chance to have a future in this country. When I think of the fact that my father came to this country in 1951 with four kids, had four more kids here, without an education, with just a strong back and strong muscles, that he was able to provide a better future for his eight kids than I am for my five kids, despite having been raised and educated here, that is—

The Deputy Speaker: Thank you. Your time has expired. Any further debate?

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Mr Chris Stockwell (Etobicoke West): I listened

intently to the member for Mississauga East. I thought his comments were certainly germane and of some value and that certainly the members opposite could examine them at a later date and offer up some alternative arguments to those, because I'm not certain what they would be.

In my brief comments today I want to explode a couple of myths that this government is out passing off as fact, that on closer examination, with respect to deficits and budgeting, are not fact.

Let's deal firstly with the common refrain from the members opposite about how they're cutting the costs of government. You often hear members standing up and saying in this Legislature—the Premier's said it, the Economic Development minister has said it and it's filtered back to the backbenchers and even those ministers responsible for ministries that are not necessarily financial by nature. You often hear members opposite stand up and say, "We're the first government in so many years to cut spending, year over year." Anyone who is watching this show, this program, and anyone who reads in the newspapers that comment, I will stand in my place and say that is factually untrue, categorically untrue and it's playing with the figures in the budget.

I've heard the member for Oxford suggest in this place that his government is the first government to meet government spending head on and reduce government spending. What they've done in order to make this statement—which is kind of humorous, actually, but the seriousness of the deficit we face and the spending levels we're at make it not that funny—is they've taken the raw data of spending and they've added up the numbers that they spend ministry by ministry. Then they exclude debt servicing. Debt servicing is a line item in the budget. It's an expenditure, and it's an amount that you pay per year to service your debt.

Mr Sutherland: We said, "On operating budget."

Mr Stockwell: No. The member for Oxford says, "We said, 'On operating.'" That's not true. I've heard them on a number of occasions say, "We're the first government in so many years to reduce spending in the province." The Treasurer said it.

Interjection: Operating.

Mr Stockwell: No, he didn't even include "operating." He said those words.

The other thing that he needs to point out is that once in a while they say "operating amounts." You may ask yourself, what does it mean when they just say, "We're the first government to reduce spending on operating amounts"? That really basically means nothing. What it means if you're the taxpayer out there is that this government has reduced spending, when it says "operating," if you exclude debt servicing.

Who's acquired all that debt? Well, \$45 billion was acquired before this government took office, for 100-odd years of the province being in the business of governing, and in a short four years they've acquired \$45 billion. They've acquired a good chunk, 50% of this debt. So when they exclude debt servicing, they say, "We've reduced the cost of government."

If we exclude a lot of things, we can reduce the cost of

government. If we refuse to add up all the numbers, we can reduce the cost of government. If we simply make a mistake, we can reduce the cost of government. If we transpose a number, we can reduce the cost. But the bottom line is this: Where's the Treasurer today?

Hon Mr Buchanan: You know where he is.

Mr Stockwell: He's overseas. Oh, I'm sorry, I thought he was going overseas. That's what I meant to say. I think he is overseas.

Mr Sutherland: Yes.

Mr Stockwell: Yes, he's overseas. Where's the Treasurer today? He's overseas, trying to flog \$15.5 billion worth of government bonds. Why is he going out to flog that much money? Because when you go to balance your books and you have to borrow money to balance those books, you don't go out and borrow your operating amount; you go out and borrow how much money you need to balance your books. That includes debt servicing.

So when you add up the amount of money it costs to run this government year to year, they spent more this year than they spent last year, they spent more last year than they did the year before and they spent more the year before than they did the year before that. Successively, every single year this government has been in office, it has spent more money year over year than it did the year before. That myth is exploded.

Now they say, "We've reduced the cost of operating accounts." They've reduced the cost of operating accounts, but you have to understand that in the first year they were in office they increased the cost of government. I say to the member for Oxford, if he knows, how much did they increase spending the first year they were in government? Do you remember that number?

Mr Sutherland: I know what figure you are going to use.

Mr Stockwell: You can give me your figure. From year over year, how much money did you spend more than the year before? I'll tell you, Mr Speaker. Year over year, the first budget these people brought in, they increased spending by 13.7%; 13.7% in one year. Now they come, two years out, and say: "We've reduced the cost, excluding debt servicing, by minuscule amounts. Aren't we a responsible lot?"

When in one year you increase spending by 13.7%, my constituents aren't going to hold a parade for you when you reduce spending, excluding the debt servicing, by a minuscule amount. They built in the increase and clawed it back marginally and they want to have parades around the province on how fiscally responsible they are. Those are very important myths to explode.

Hon Mr Buchanan: That's what the Canada Day celebrations are all about. We have firecrackers.

Mr Stockwell: You want a Canada Day celebration for the fact that they increased spending by 13.7% and rolled it back a minuscule amount.

Oh, and the hand-wringing and the sweating and the turmoil they went through: "We had to bring spending into line, although we increased it 13.7% the first year, and we've done such a good job that, if you exclude debt

servicing, spending's down. But we still have to borrow for the debt servicing, so you're no better off."

What a myth. What an absolute myth. What manipulation of numbers they go to to make statements that are just fundamentally inaccurate.

So when we deal with the overspending problem, we understand on this side of the House that they have big trouble, and they got it because they increased spending.

They always point to this budget about how responsible they are and they have in the budget the amount of money that they plan to spend this year. You may ask yourself how many times in previous budgets they set the budget and they actually came in under or even with the amount of money they said they'd spend. According to these financial gurus across the floor, these financial wizards, these hold-the-line fiscal conservatives, you'd think every year they had a budget they must have come in lower than the program they expected to spend.

Since this crew's been in government, not once, in all the budgets they've brought to this House, did they bring in a budget that actually spent less than or the same as they said they would? Not once. But this year the Treasurer said, "I'm telling you, this year I promise"—and he did that every other time—"we're going to bring in our budget on or under the amount of money we're suggesting."

The member for Don Mills said earlier there are cynics out there. Count me as one, because I've heard this song before. The problem with this song is there's no ending. You just sing the same song, but when it comes down to this particular verse, you've always spent more than you did the year before. So why should we believe you when it comes to this budget on government spending, when you said it every other time and you couldn't follow through with your commitment. There's another major explosion of the myth of NDP fiscal policy.

The next myth is the deficit myth. Here's a government that wants to have not only parades for themselves for bringing spending down because they increased it by 13.7%; they also want to have parades because they're reducing the deficit. Here's a laugh. They carry forward a deficit of some \$15.5 billion—astronomical. Before they came to power, the largest deficit in the history of the province was some \$3.5 billion, in that range. Then they increased the deficit in their term of office to \$15.5 billion. That's the claim that they made when they brought forward the recommendations of the social contract: "This is what the deficit would have been, so we're bringing it down from that point." Oh—\$17 billion they took it to. Better yet, \$17 billion; \$15.5 billion is what they're borrowing. So they've brought the deficit up to a magnificent, high number of \$17 billion. The highest we had in this province was around \$3 billion, \$3.5 billion. Now they're trying to rein this back in. As they say—

Interjection: We didn't put it up there.

Mr Stockwell: But my point is, you're saying it would have been there had you not done your fiscal best at hand-wringing and concern about spending and so on. You haven't really reduced spending at all. It's gone up

every year. Every year it's gotten higher, and then they come forward and say, "Now, have a parade for us because this year we're going to bring the deficit in at \$8.5 billion."

1650

If they were going to bring the deficit in at \$8.5 billion, I may say to them, "Well done." But the fact is, they manufactured the \$17 billion in the first place and they've manufactured the \$8.5 billion. If they only need \$8.5 billion, why are they out borrowing nearly double that? One, they're going 18 months, and two, the deficit isn't \$8.5 billion. Even the member for Oxford, I know the knowledgeable guy he is when it comes to finances, I know the fairminded individual he is—

Mr David Johnson: Don't go too far now.

Mr Stockwell: Well, I know he is, and I know he understands this stuff, because it's tough for him when someone asks him a direct question like, "What is it you're going to need to borrow this year to balance the books?" He hems and haws and he goes: "Well, you see, the deficit figure's \$8.5 billion, and if you exclude debt servicing we're spending less than we did last year, although we didn't actually come in on the money. In fact, we've always spent more than we thought we could. But now that you've asked me the question directly, the deficit's \$8.5 billion." Then the next question to the member for Oxford and the Treasurer is always: "What about this \$2 billion you need for your crown corporations? Don't you have to borrow that money?" And they say, "Oh, well, sure we have to borrow that money, but that's not the province's responsibility. That's a crown corporation," like this money gets poofed out of thin air somewhere and the taxpayers don't actually have to pay it back. There's another myth and explosion of a myth.

If there is anybody in this province who believes, other than maybe the member for Oxford and a couple of backbenchers in the NDP caucus—I don't even think the Minister of Agriculture believes it, or the Attorney General or even the Minister of Environment and Energy. Anyone in this room who believes that the deficit this year will be \$8.5 billion, there are bridges and abutments that need to be bought in this province and there are municipalities willing to sell them to constituents, because there isn't a soul who buys the fact that it's going to be \$8.5 billion.

Hon Mr Buchanan: We're not selling any bridges. Come on, Chris.

Mr Stockwell: Maybe I shouldn't use the example of bridges any more. They're selling so many things, they may start selling bridges.

Mr Speaker, \$8.5 billion hasn't got a prayer of coming in at \$8.5 billion, and you know why I can say that? It's the \$2 billion. But do you know the other thing that is interesting about the deficit? The member for Oxford, year in and year out, gets up and argues the goodness of the budget, the fairness of the numbers and the hand-wringing and sweating and toiling and how accurate and reflective they are, and every year at the end of the year he has that painful job of standing before us and saying: "Well, maybe we miscalculated. Maybe we spent too

much here. Yes, the deficit figure's a little low." It's so embarrassing, because everybody knows when they announce the budget that it's not \$8.5 billion; it's going to be \$10.5 billion.

So, a few myths that the people of this province should understand: When these people say they're cutting spending, they're not. That's the first myth. When they say they're cutting spending, categorically they haven't. When they say they're going to come in on the money or under in any of their budgets—you've never done it before; why should we believe you now? When they tell you the deficit figures are \$8.5 billion, they're inaccurate; everybody knows they're higher.

So when we've reached those three conclusions at the end of the day, we say to ourselves, "How much can we believe in this document that they put out?" The difficulty with the average taxpayer out there, the difficulty with the bond rating agencies and the difficulty I think you have with us across the floor is that we don't believe any of your numbers any more.

Hon Mr Buchanan: We don't believe any of these guys' numbers either.

Mr Stockwell: Well, maybe you don't. He holds up the Common Sense Revolution, and I myself am a big fan of that document. He may not believe it. Maybe we'll be lucky enough to take the opportunity to implement our plan. I hope we do because I think we can do it.

But the bottom line in the history books that are going to be written about this government is quite simple: You couldn't call a one-horse race. You can't call your deficit figures, you can't call your spending figures, you can't even tell the facts when all the accounting comes in and you have spent more this year than the year before. You've got to start excluding things to tell people that you're spending less.

The sad part about it is, of all the bills that we debate in here and all the pieces of legislation, this piece of legislation is one of the most important pieces we will debate, because this government is asking for the authority, on behalf of the constituents of this province, to go out and borrow \$15.5 billion. I think that if there was an election held today, the people of this province would not give this government the authority to borrow any more money on their behalf, because I don't think they trust the way they spend it or trust the way they report it.

Finally, to end up on a totally non-partisan point, a point that I think any government should adopt, I mention this quite often when we deal with financial analyses and budgets. I wish this government would do it, quite frankly, but it doesn't appear it's going to. I'll have to throw my ideas to the next government, hopefully. I'll push for this. Whether or not it's us, I'll continue to push from in this place or outside. Some government at some point is going to have to deal with this issue straight up: The issue is government reporting of its books.

There's no secret that in the past we have had all parties play around with the books. In most instances, it began as an innocent little attempt to camouflage a program or an expenditure. Today, it's gotten to the point where we're literally trying to fool the public into

believing we're borrowing \$2 billion less than we are. In some instances, it's even worse.

I'd ask this government one last time—maybe not the last time, but certainly again—if it would institute a proper accounting program that is instituted and enshrined in legislation that forces your government and future governments to report their books exactly the same way under accepted accounting practices. That way, when the year-end comes, the books are reported out and signed off by an accountant and auditor, "signed off" meaning they meet the same rigid requirements that private sector companies do that are trading on the public trading.

This is totally non-partisan. All I'm trying to get across here is that it would take away from the really frustrating part of debate, and that's the debate we always end up in as to what are the real numbers. That, to me, is the most frustrating part of the debate. What I find the most successful and the most meaningful part of debate is when you get the real numbers and you start debating your policy on expenditures and expenditure controls and our policy on expenditure and expenditure controls. When you get the real numbers, you can get into a serious policy discussion.

You can tell me why you need to spend as much money as you're spending and I can tell you why you don't need to spend that much money, and we can let the public decide who they think would make a better government. But what we end up with when it comes to budgets and deficits and auditors' reports is a bunch of convoluted—I don't want to use too strong language—in a way, deceit. It's deceitful reporting on what the financial picture of this province actually is. I say this to all parties. I say this about the federal Conservatives. I think they knew the deficit was much higher last election than they led us to think. I say it specifically about this government and those members across the floor.

Always happy to leave on a non-partisan note, I wanted to explode those couple of myths that they continue to pretend to be truth and let the public know that spending has never gone down under this government, ever. Spending has never, ever gone down. They've never, ever spent less, or on the money, to what they said they would spend in a budget. They've never, ever come in accurately on their deficit figures. In the last few years they've never, ever reported their deficit accurately. They've always excluded portions because it made them appear to be better, but financially they were much worse.

1700

Mr David Johnson: I would like to congratulate the member for Etobicoke West and also to back up his statement. I suspect there's some doubt on the opposition members' side with regard to the statement that spending has not gone down. I know it's a fact, because I use as the source, and I'm sure the member for Etobicoke West has as well, the report of the Minister of Finance, the 1994 budget, which I have in my hand.

I would refer the members of the government to page 119 of that particular report. It lays out the expenditures for the years from 1985 right through to 1994. You simply have to add up the numbers on that page plus the

numbers that have been taken off book on page 115 of the Finance minister's budget. I know the Finance minister always tells the truth, so here are the numbers:

If you add the operating expenditure, the interest on the debt, the capital expenditure and the amount of money taken off book, in 1991 the expenditures were \$51.683 billion. In 1992, the expenditures rose \$2.5 billion to \$54.235 billion. Between 1992 and 1993, during the social contract year in 1993, the expenditures still rose; if you add all of those categories—they're all spending; they all need to be added in—the expenditures rose \$100 million, up to \$54.333 billion.

Finally to this year, where it's been stated that program costs have been down, certainly if you look at the budget and add all the numbers together, we have gone up another \$1.2 billion in 1994, up to \$55.637 billion.

Hon Evelyn Gigantes (Minister of Housing): Program cost has never come down.

Mr David Johnson: It's right here in the budget. The Minister of Housing can make whatever statement she wants. Minister, simply add up the numbers on pages 119 and 115. The numbers are there; spending is up.

The Deputy Speaker: The time has expired. Further questions or comments? The member for Etobicoke West, you have two minutes.

Mr Stockwell: My argument was made at the beginning of this by the Minister of Housing, who wasn't here for the beginning, and she did what they all do. They say, "Program costs have never come down in the history of this province." So what? What do you have to do? What do I have to do to get it through to you? You spend successively, year over year, more money. So program costs have come down. Does that mean we spend less money? Does that mean we have to borrow less money? No. You see, exactly what I was saying, the Minister of Housing wasn't here for the beginning of it, but she came in at the end and proved my point.

This mantra, this common refrain is, "Program costs have come down." Do you have to borrow more this year? Yes. Did you spend more this year? Yes. Are you excluding debt servicing? Yes. So what? You could bring program costs down to nothing if you're paying more every year on debt servicing and you're going to spend \$60 billion on debt servicing. It just means you have to go out and borrow the money and we go further in debt.

This is what this government does. They can't get cost down year to year. They can't reduce spending year to year. They can't accurately affect their deficits. They can't accurately bring in the amount they're going to spend according to your budget, so they do some jiggery-pokery, come up with some harebrained answer that, "Well, if you exclude this and you add this in, we spent less last year."

That 75 cents will get you a cup of coffee. Big deal. Because when you go to borrow the money and when you go to the bond rating agencies like Mr Laughren's going out today to flog them, he's still got to borrow more money this year than he had to borrow last year because you can't control your costs, and all the hand-wringing and broken promises and broken agreements

with the doctors and so on isn't going to change that. You can't control your costs because you don't have the political will to do it.

The Deputy Speaker: Any further debate? If not, the parliamentary assistant.

Mr Sutherland: I want to thank the members who participated in the debate. I want to make a few remarks in response to some of those comments, and the reason I want to do that is because the speakers who have come forward have said: "Don't talk about the history. All you, as the government, want to do, is blame it on someone else or blame it on the past." The member for Don Mills said that in his speech. But you know, it's interesting. If you listen to their speeches, all they want to do is issue blame and say these are all the problems and present a very doom and gloom scenario.

For those people who have been following this debate, I think we need to put things in a little bit of context, first of all, in terms of how we got to the situation we were in in 1990. It's important that we talk about that because the member for Dufferin Peel brought up the WCB and Ontario Hydro. The member really tried to say, "The problems with WCB and Ontario Hydro are all the fault of the NDP."

If we go back and look at the history, and the facts speak for themselves, in 1980, the unfunded liability of the Workers' Compensation Board was only \$400 million, extremely manageable. By 1985, where was that unfunded liability? Up to \$6 billion.

Then we had five years of a Liberal government, and where is the unfunded liability of the Workers' Compensation Board by 1990? It's \$10 billion. Now, I'll admit it has gone up a bit since our time, but I want to tell you, that \$10 billion through the 1980s is the responsibility of the Progressive Conservative government when it was here, and of the Liberal government. We're taking action to deal with that. We're taking very concrete action to deal with the unfunded liability of the Workers' Compensation Board.

The member for Dufferin-Peel talks about Ontario Hydro and its \$34-billion or \$35-billion debt. Let's go back and look at what the debt was on September 6, 1990, when we came into power. Gee, what do we find out? It was \$34 billion. When we're looking at the historical context here of WCB and Hydro, the other two parties can't claim that they've got all the answers and they're such wonderful managers, as they try and project.

If we want to look at unfunded liabilities in some of the pension plans, let's go back again and look at the history there in terms of past governments borrowing from those plans. They found it a cheaper way to borrow, but those unfunded liabilities grew. I give the Liberals some credit. They decided they were going to stop borrowing from the teachers' pension plan in 1989, because the unfunded liability was getting too large. The Liberals did see some reality there.

I also found interesting the member for Scarborough-Agincourt's comments, because he always brings out these comments from the auditor to justify how we would have had a balanced budget but it came out to \$3 billion.

He brings out this line "unforeseen decline in revenue due to the recession."

Throughout this debate, many of the opposition members have talked about forecasting. Let's all be quite clear. Forecasting of revenues is not quite a science. Particularly in a deep recession, as we've gone through, it's even more unpredictable. The government numbers put forward in terms of revenue projections aren't something that I pull out of the air, that the Minister of Finance pulls out of the air. There's very concrete analysis done.

The projections on increase in economic growth and employment and housing starts, all those things are taken into account, and they're not just Ministry of Finance numbers. If you look at where our projections were through the 1991 budget, the 1992 budget and the 1993 budget, and you go out and compare them to where the private sector forecasts are, you'll find that ours were probably in the middle, and in some cases maybe a little more conservative. People need to take that into account.

The member for Scarborough-Agincourt says the first budget was the big mistake. I remember the member for Renfrew North saying that if the Liberals had been in government, they probably would have had a \$7-billion deficit that first year too. It's great to say in hindsight, "Your numbers were all off." But if you look at the private sector forecasters, they were saying the recovery was going to occur much quicker, that it wasn't going to be as deep as anticipated at that time when we brought in that first budget in 1991.

Yes, people were wrong with their forecasts. The Ministry of Finance numbers may not have been as accurate, but let me tell you, the major banks and all the other private forecasters, a lot of them were way off too in terms of that.

When the member for Scarborough-Agincourt justifies that we would have had a balanced budget except for this unforeseen decline in revenue, I think it's great. That's fine. It's fair that the auditor has said that and he wants to use it to justify that.

What is a little much for us to take on this side is that somehow after September 6, 1990, you can't use that argument any more. You can't use that argument that an unforeseen decline, a consecutive, three-year decline, in government revenues is a problem.

Let me say too that part of that challenge is how the spending occurred during the Liberal time. They built up a system of public services that would be financially sustainable only if economic growth continued at 5% to 6%. They didn't put any money away for the rainy day. They didn't anticipate that maybe the economy would go into a serious recession and we'd have all these services built up. We've had to make the changes to those services. It's been difficult, it's been trying, but those services are becoming far more effective and far more efficient.

Just two other minor points that I wanted to make: I'm glad the member for Don Mills mentioned about municipalities and how they borrow for capital and pay for it over 25 years. I'm glad he thinks that's a good idea. I

wish he would support provincial governments doing that as well, rather than paying for it all in one year.

The member for Dufferin-Peel in his comments tried to say that the debt of Ontario Hydro and the Workers' Compensation Board should be included in all the accumulated debt and deficit figures of the government. It's very interesting that this is somehow the new way, that we want to put that all in as to what the absolute total was. Those totals were never included under Tory governments or under Liberal governments.

I want to conclude my remarks at this point. I just wanted to highlight those few points from the discussion.

The Deputy Speaker: Mr Sutherland has moved second reading of Bill 159, An Act to authorize borrowing on the credit of the Consolidated Revenue Fund.

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 1711 to 1722.

The Deputy Speaker: Mr Sutherland has moved second reading of Bill 159, An Act to authorize borrowing on the credit of the Consolidated Revenue Fund.

All those in favour of the motion will please rise one at a time.

Ayes

Abel, Akande, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Christopherson, Cooke, Cooper, Coppen, Dadamo, Duignan, Ferguson, Fletcher, Frankford, Gigantes, Haeck, Hansen, Harrington, Haslam, Hayes, Hope, Huet, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Lessard, MacKinnon, Malkowski, Mammoliti, Marchese, Martel, Mathysen, Mills, O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rae, Rizzo, Silipo, Sutherland, Ward, Waters, Wessenger, White, Wildman, Wilson (Frontenac-

Addington), Wilson (Kingston and The Islands), Winniger, Wiseman, Wood, Ziembra.

The Deputy Speaker: All those opposed to the motion will please rise one at a time.

Nays

Arnott, Caplan, Chiarelli, Cleary, Daigeler, Eddy, Elston, Eves, Grandmaître, Hodgson, Jackson, Johnson (Don Mills), McGuinty, O'Neil (Quinte), Runciman, Sola, Stockwell, Turnbull, Villeneuve.

The Deputy Speaker: The ayes are 57; the nays are 19. I declare the motion carried.

Shall the bill be ordered for third reading? All those in favour? Is it agreed? Agreed. Therefore, it is going to third reading.

Hon Brian A. Charlton (Government House Leader): Mr Speaker, just before I call the next order, the House leaders have had some discussions regarding a private bill, Bill Pr117, which was introduced, I believe, on June 20. We are seeking unanimous consent to waive notice on this bill so that the committee on private bills can deal with it this afternoon before it finishes its sitting.

The Deputy Speaker: Is there unanimous consent? Agreed.

Hon Mr Charlton: Mr Speaker, just again before I call the next order, I believe we also have an agreement, so I seek consent for that agreement, that during committee of the whole on the next item, which is Bill 91, we have agreed that where amendments are seen to be in order, we will see or deem a division and stack those divisions until the point at which all of the amendments have been dealt with and that we would then have a single bell and deal with the votes associated with those amendments.

The Deputy Speaker: Agreed? Agreed.

I will now leave the chair and move to the table for the committee of the whole House.

Report continues in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Beaches-Woodbine	Lankin, Hon/L'hon Frances (ND) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce	Halliburton Centre/Centre	Sullivan, Barbara (L)
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Brantford	Ward, Hon/L'hon Brad (ND) Minister without Portfolio, Ministry of Finance / ministre sans portefeuille, ministère des Finances	Hamilton Mountain	Charlton, Hon/L'hon Brian A. (ND) Chair of the Management Board of Cabinet, government House leader and minister responsible for the automobile insurance review / président du Conseil de gestion, leader parlementaire du gouvernement et ministre délégué à l'Assurance-automobile
Bruce	Elston, Murray J. (L)	Hamilton West/-Ouest	Allen, Hon/L'hon Richard (ND) Minister without Portfolio, Ministry of Economic Development and Trade / ministre sans portefeuille, ministère du Développement économique et du Commerce
Burlington South/-Sud	Jackson, Cameron (PC)	Hastings-Peterborough	Buchanan, Hon/L'hon Elmer (ND) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Cambridge	Farnan, Hon/L'hon Mike (ND) Minister without Portfolio, Ministry of Education and Training / ministre sans portefeuille, ministère de l'Éducation et de la Formation	High Park-Swansea	Ziamba, Hon/L'hon Elaine (ND) Minister of Citizenship, minister responsible for human rights, disability issues, seniors' issues and race relations / ministre des Affaires civiques, ministre déléguée aux Droits de la personne, aux Affaires des personnes handicapées, aux Affaires des personnes âgées et aux Relations interraciales
Carleton	Sterling, Norman W. (PC)	Huron	Klopp, Paul (ND)
Carleton East/-Est	Morin, Gilles E. (L)	Kenora	Miclash, Frank (L)
Chatham-Kent	Hope, Randy R. (ND)	Kingston and The Islands / Kingston et Les Îles	Wilson, Gary (ND)
Cochrane North/-Nord	Wood, Len (ND)	Kitchener	Ferguson, Will (ND)
Cochrane South/-Sud	Bisson, Gilles (ND)	Kitchener-Wilmot	Cooper, Mike (ND)
Cornwall	Cleary, John C. (L)	Lake Nipigon/Lac-Nipigon	Pouliot, Hon/L'hon Gilles (ND) Minister of Transportation, minister responsible for francophone affairs / ministre des Transports, ministre délégué aux Affaires francophones
Don Mills	Johnson, David (PC)	Lambton	MacKinnon, Ellen (ND)
Dovercourt	Silipo, Hon/L'hon Tony (ND) Minister of Community and Social Services / ministre des Services sociaux et communautaires	Lanark-Renfrew	Jordan, Leo (PC)
Downsview	Perruzza, Anthony (ND)	Lawrence	Cordiano, Joseph (L)
Dufferin-Peel	Tilson, David (PC)	Leeds-Grenville	Runciman, Robert W. (PC)
Durham Centre/-Centre	White, Drummond (ND)	Lincoln	Hansen, Ron (ND)
Durham East/-Est	Mills, Gordon (ND)	London Centre/-Centre	Boyd, Hon/L'hon Marion (ND) Attorney General, minister responsible for women's issues / procureure générale, ministre déléguée à la Condition féminine
Durham West/-Ouest	Wiseman, Jim (ND)	London North/-Nord	Cunningham, Dianne (PC)
Durham-York	O'Connor, Larry (ND)	London South/-Sud	Winninger, David (ND)
Eglinton	Poole, Dianne (L)	Markham	Cousens, W. Donald (PC)
Elgin	North, Peter (Ind)	Middlesex	Mathysen, Irene (ND)
Essex-Kent	Hayes, Pat (ND)	Mississauga East/-Est	Sola, John (Ind)
Essex South/-Sud	Crozier, Bruce (L)	Mississauga North/-Nord	Offer, Steven (L)
Etobicoke-Humber	Henderson, D. James (L)	Mississauga South/-Sud	Marland, Margaret (PC)
Etobicoke-Lakeshore	Grier, Hon/L'hon Ruth (ND) Minister of Health / ministre de la Santé		
Etobicoke-Rexdale	Philip, Hon/L'hon Ed (ND) Minister of Municipal Affairs, minister responsible for the office for the greater Toronto area / ministre des Affaires municipales, ministre responsable du Bureau de la région du grand Toronto		
Etobicoke West/-Ouest	Stockwell, Chris (PC)		
Fort William	McLeod, Lyn (L) Leader of the Opposition / chef de l'opposition		
Fort York	Marchese, Rosario (ND)		
Frontenac-Addington	Wilson, Hon/L'hon Fred (ND) Minister without Portfolio and chief government whip / ministre sans portefeuille et whip en chef du gouvernement		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Nepean	Daigeler, Hans (L)	St Catharines-Brock	HaecK, Christel (ND)
Niagara Falls	Harrington, Margaret H. (ND)	St George-St David	Murphy, Tim (L)
Niagara South/-Sud	Coppen, Hon/L'hon Shirley (ND) Minister without Portfolio, Ministry of Culture, Tourism and Recreation / ministre sans portefeuille, ministère de la Culture, du Tourisme et des Loisirs	Sarnia	Huget, Bob (ND)
	Laughren, Hon/L'hon Floyd (ND) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Sault Ste Marie / Sault-Sainte-Marie	Martin, Tony (ND)
Nickel Belt	Harris, Michael D. (PC)	Scarborough-Agincourt	Phillips, Gerry (L)
Nipissing	Jamison, Norm (ND)	Scarborough Centre/-Centre	Owens, Stephen (ND)
Norfolk	Fawcett, Joan M. (L)	Scarborough East/-Est	Frankford, Robert (ND)
Northumberland	Carr, Gary (PC)	Scarborough Ellesmere	Warner, Hon/L'hon David (ND)
Oakville South/-Sud	Rizzo, Tony (ND)		Speaker / Président
Oakwood	Caplan, Elinor (L)	Scarborough North/-Nord	Curling, Alvin (L)
Oriole	Pikey, Hon/L'hon Allan (ND) Minister without Portfolio, Ministry of Municipal Affairs / ministre sans portefeuille, ministère des Affaires municipales	Scarborough West/-Ouest	Swarbrick, Hon/L'hon Anne (ND) Minister of Culture, Tourism and Recreation / ministre de la Culture, du Tourisme et des Loisirs
Oshawa	Gigantes, Hon/L'hon Evelyn (ND) Minister of Housing / ministre du Logement	Simcoe Centre/-Centre	Wessinger, Paul (ND)
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Ottawa West/-Ouest	Sutherland, Kimble (ND)		
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	Johnson, Paul R. (ND)	Wentworth North/-Nord	Abel, Donald (ND)
Prescott and Russell / Prescott et Russell		Willowdale	Harnick, Charles (PC)
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Quinte	Hampton, Hon/L'hon Howard (ND) Minister of Natural Resources / ministre des Richesses naturelles	Windsor-Riverside	Cooke, Hon/L'hon David S. (ND) Minister of Education and Training, minister responsible for the Ontario Training and Adjustment Board / ministre de l'Éducation et de la Formation, ministre responsable du Conseil ontarien de formation et d'adaptation de la main-d'oeuvre
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		York-Mackenzie	Beer, Charles (L)
		York South/-Sud	Rae, Hon/L'hon Bob (ND) Premier, President of the Executive Council, Minister of Inter-governmental Affairs / premier ministre, président du Conseil exécutif, ministre des Affaires gouvernementales
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Suite volume B

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of Ontario**

Third Session, 35th Parliament

**Assemblée législative
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Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 22 June 1994

**Journal
des débats
(Hansard)**

Mercredi 22 juin 1994



Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 22 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 22 juin 1994

Report continued from volume A.

1730

House in committee of the whole.

AGRICULTURAL LABOUR RELATIONS ACT, 1993

LOI DE 1993

SUR LES RELATIONS DE TRAVAIL
DANS L'AGRICULTURE

Consideration of Bill 91, An Act respecting Labour Relations in the Agriculture Industry / Projet de loi 91, Loi concernant les relations de travail dans l'industrie agricole.

The Chair (Mr Gilles E. Morin): Before we start, let me read the following so that you're aware of what is going to take place:

"That one hour be allotted to consideration of the bill in committee of the whole House. At the end of that time, those amendments which have not yet been moved shall be deemed to have been moved and the Chair of the committee of the whole House shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto and report the bill to the House. Any divisions required shall be deferred until all remaining questions have been put, the members called in once and all deferred divisions taken in succession. All amendments proposed to the bill shall be filed with the Clerk of the assembly by 3:30 pm on the sessional day on which the bill is considered in committee of the whole House."

Mr Mike Cooper (Kitchener-Wilmot): On a point of order, Mr Chair: Permission for the ministry staff to come on the floor?

The Chair: Please, if the staff wish to come in.

Mr Murray J. Elston (Bruce): Mr Chair, as a result of the time allocation, we had filed certain amendments which had been tabled, actually, the day before yesterday in relation to this bill. I wish to advise the Chair at this point that we are withdrawing all those amendments, bearing in mind that we cannot hold any public hearings and we find it to be quite unnecessary to go through all of the process, with the exception of one amendment, and I will read it so that it can be readily identified—it will be at the time.

I move that all sections of the bill be struck out and that the following section 1 be substituted:

"Exemptions under the Labour Relations Act

"(1) Clause 2(b) of the Labour Relations Act is amended by striking out 'except as provided under subsection (2)';"

"(2) Subsection 2(2) of the Labour Relations Act is deleted.

"(3) The short title of this act is the Reinstatement of the Agricultural Labour Exemption Act, 1993."

That is the amendment which we will be proceeding with. It would reinstate the exemption from the Ontario Labour Relations Act of the farming activities and agricultural activities in the province. That is the substance of our concerns and I therefore ask that all other amendments be withdrawn from consideration, which should be of some assistance to the Chair.

The Chair: If I understand you correctly, the only one that you will be introducing will be clause 2(b) of the Labour Relations Act, and it reads as follows: "is amended by striking out 'except as provided under subsection (2)';", "Subsection 2(2) of the Labour Relations Act is deleted"; and, "The short title of this act is the Reinstatement of the Agricultural Labour Exemption Act, 1993." All of the others are withdrawn.

Mr Elston: All of the others are withdrawn and at this time I will ask that our Agriculture critic be allowed to speak to that particular issue.

Mr John C. Cleary (Cornwall): I welcome the opportunity to participate in this debate, particularly as it affects the second-largest employer in the province and an industry that I've personally been involved in all my life. I think we owe it to the agricultural community, and we feel very strongly that if this is not reinstated, that hearings be allowed, and we owe it to the farmers across the province.

Through the years, I've been involved in many parts of agriculture. I've been involved in a cow-calf operation, I've finished beef cattle and pork, I've milked cows both before and after supply management and I've peddled many eggs to customers. I know how controversial an issue this can be if some of these agricultural operations are allowed to unionize.

I've also been involved in the cash crop industry: mixed crops—wheat, barley, peas and oats. I think it's safe to say that I have a pretty good insight on the farm industry and the concerns of farmers across this province, and not like the Labour minister, who claims he knows a little bit about agriculture by dropping in and talking to a relative.

It is also safe to say that the piece of legislation before us, Bill 91, An Act respecting Labour Relations in the Agriculture Industry, has caused much concern to myself, the farmers in my riding and the farmers across this province.

Some of you may recall that last week the Minister of Labour was asked right here in these chambers if he could name one farmer who approved of the actual Bill 91, and I'm sorry to say we haven't heard that individual named yet. Our survey said that 100% of the farmers in

this province were opposed to this bill. It was interesting and revealing when the minister, the individual responsible for shepherding the bill through the Legislature on behalf of the citizens of Ontario, could not name a single individual that was supporting this bill when he was introducing the legislation.

I have spoken to many of the farmers who belong to the different farm organizations, and they say there's no support there either. I know it is the minister's common retort to say that there was a labour issue committee looking into this, as did the Ontario Federation of Agriculture. But the truth of the matter is, that labour committee and others have only accepted Bill 91 as the least of a number of evils the minister would have threatened them with. Just because someone is forced to resign himself to something that may be a wee bit better than what else is offered, that does not make a good or welcome choice. That is exactly the situation that's before us.

Bill 91 is being offered as a concession to agriculture's full inclusion under the NDP's damaging Bill 40. The hard and real truth is that farmers across the province are very upset that the government is bringing forward this legislation against their wishes. I have found 100% opposition from farmers across this province on Bill 91, and I have named the farmers I've talked to: Stormont-Dundas-Glengarry, Leeds-Grenville, Prescott and Russell, Renfrew, Middlesex, St Catharines-Brock, Welland-Thorold, Huron, Lincoln, Carleton, Prince Edward-Lennox, Victoria-Haliburton, Bruce, and I could go on and on, because there is no support for this bill.

Farmers don't want this legislation, I don't want this legislation, my colleagues don't want the legislation, our caucus doesn't want the legislation and even the Progressive Conservatives don't want this legislation.

The central problem is that Bill 91 will allow agriculture to unionize. Work slowdowns, labour disputes and work-to-rule campaigns are all fair game under unionization. NDP labour rules would be devastating to the province's agriculture industry and the entire farming community. Slowdowns from suppliers, processors and transportation would also be devastating. There is no proof whatsoever that this bill will make agriculture more competitive, more productive and more profitable.

These are key points in any industry, yet this government cannot make any real statement on these factors. In fact, it is outright confusing why this government wants to proceed with this legislation. This is the same government that has closed provincial campgrounds and recreational parks and now refuses to allow private enterprise to step in and reopen these parks to create jobs for our students and others.

Everyone knows that opening the parks would mean more investment in the province and job creation, so why does the government refuse to open the parks? Because, they say, they are being blocked by successor rights. Even the House leader, Mr Charlton, who sits across the way, said he is interested in opening the parks, yet they remain closed. Nothing has been done years later.

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The government freely admits that the successor rights are stopping the parks from being opened and are hurting the overall economy. Yet here they are trying to ram unionization on to farms and farm families in our rural communities. Haven't they learned a lesson?

I remember other pieces of legislation that this government tried to ram through on farmers not too long ago. I remember the issue of stable funding, the farm registration and the farm organizations funding act, as its full title may be.

I have to give the Minister of Agriculture credit on that. He was one of the ones who supported that we try to have hearings on that, and he didn't get a whole lot of support from the third party, some of whom tried to ram that through the Legislature without going to hearings. The NDP government, in conjunction with the Progressive Conservatives, tried to force stable funding on to farmers without the committee hearings in August. I'm sure that in those hearings we would have all learned a lot, and the Minister of Agriculture had supported us a bit on that.

Bill 91: The farmers don't want it, so do not proceed with the legislation. Let it die now. Listen to the opposition parties on Bill 91. Don't make the family farm face any more unnecessary challenges. My leader and the Liberal caucus have listened to the people who are affected by this bill, and we promise that we will continue to listen. I encourage the Minister of Labour and the Minister of Agriculture, Food and Rural Affairs to listen. Do the right thing for farmers and consumers. As my colleague, our House leader, mentioned earlier, we are prepared to withdraw all our amendments if we put the agricultural labour exemption back into the bill.

Mr Noble Villeneuve (S-D-G & East Grenville): I want to make a few comments. I gather we are limited to 60 minutes.

I know we have debated to some degree Bill 91 here in this Legislature, but I certainly want to continue, particularly in view of the fact that somehow or other the Liberals have decided they will not stay the course on this. I'm somewhat disappointed, because I think it's of utmost importance that this bill, Bill 91, will effectively change the rules of the game for not only agricultural workers but for farmers who hire them, and it will create a chain event of reactions throughout the rural economic neighbourhood.

I was somewhat perplexed earlier this week when the Premier was asked a question by the member for Nipissing, the leader of the Progressive Conservative Party here in Ontario, about Bill 91. Unlike the Liberals, who sent correspondence to all of rural Ontario, they were suggesting that it was under the Ministry of Agriculture, Food and Rural Affairs. Well, indeed this bill is sponsored by the Minister of Labour and is being carried today by my colleague, his parliamentary assistant, the member for Kitchener-Wilmot, through the Ministry of Labour. But when Mr Harris, the member for Nipissing, asked a question of the Premier earlier this week on Bill 91, he transferred that question over to the Minister of Agriculture, Food and Rural Affairs.

Mr Paul Klopp (Huron): He did a good job, too.

Mr Villeneuve: He may have done a good job, except that I have been saying all along that indeed this was a bill that should have been, if indeed it had to be—and I don't believe we need this bill at all. The exemption is in place and working well.

However, the Premier passed the question on to the Minister of Agriculture, Food and Rural Affairs for a response, which he did. Indeed, he was admitting, and it's too bad; if he was admitting, then he should have said, "Minister of Agriculture, Food and Rural Affairs, this is your bill." Why would the Premier pass that question on to the Minister of Agriculture, Food and Rural Affairs when indeed it's being sponsored by the Ministry of Labour? That's an intriguing turn of events.

I remember very distinctly back in July last year when this bill was brought in by the Minister of Labour. At that time, the reply from the Liberal Party was really lukewarm. They weren't sure whether they liked it or not and the critic of the Ministry of Labour, Mr Mahoney, got up and went on for his five minutes and really didn't say a great deal.

We know that the Liberal leader was on the record as saying, "Yes, we've got to change the labour laws in Ontario," but the leader of the Liberal Party was not sure when a good time would be to change the Labour Relations Act. So the Liberal Party at that time, we have to assume, because they didn't speak against Bill 91, was to some degree in favour. Maybe the timing was wrong.

Hon Bud Wildman (Minister of Environment and Energy and Minister Responsible for Native Affairs): Don't worry, I have a letter from Lyn McLeod about this.

Mr Villeneuve: Yes, apparently the Liberal leader does send letters from time to time and they make for interesting reading, as did the little flyer that I got in my mailbox that said that the Liberal Party was the only party fighting Bill 91. That was distinctively not correct. Someone made a tactical error, because in the five minutes' response back in July, I simply told the Minister of Labour that Bill 91 was an extension of Bill 40. The Progressive Conservative Party of Ontario's committed to repealing Bill 40 and repealing Bill 91 within 100 days of taking office, and that promise stays and it remains.

The member for Cornwall must have been absent that day or forgot, because indeed that was said right here in this Legislature as I stood in my place and replied to the Minister of Labour. The member for Cornwall and the member for Northumberland may want to correct the fact that the literature that I received through the mail said the Liberal Party was the only party in Ontario fighting Bill 91 for the family farm. That was not correct, because certainly I was on the record right off the bat, at the crack of the bat.

Mr Klopp: The rest of it was incorrect too, so why worry about it? The rest of it was false too, so what's the problem?

Mr Villeneuve: I think farmers in Ontario certainly don't need to be told. I think they are fairly well up to speed on what happens.

I have a stack of amendments here that would exempt basically all the commodities and the municipalities. All

I am asking is that the Minister of Agriculture, Food and Rural Affairs, his parliamentary assistant, who is here, and the parliamentary assistant to the Minister of Labour give us a week of public hearings out in rural Ontario.

If you have that many people who favour this bill, they will show up. You will make sure they show up and get it on the record. We won't have to go and get farmers—and they may well be harvesting, haying or whatever, but they will come—

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): They're too busy.

Mr Villeneuve: "They're too busy." To the Minister of Agriculture, Food and Rural Affairs, I don't think they would be too busy to come and tell you what they think about Bill 91. They would take time. They would definitely take time to give you their ideas, because, you know, agriculture is the kind of business where everyone works together. The family works together, the children in the house work together and the hired labour. They're up at 5 in the morning and they're off to do chores or off into the fields, and they communicate. They don't need the kind of arbitrator that Bill 91 would bring to agriculture, surely. They speak to one another. In many instances the hired help stays on the farm in one of the residences owned by the farmer they work for. They communicate. Surely this would put an artificial barrier between the farmer and his employees, and it's not needed.

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I've spoken to a number of farmers—at the Maxville Fair a month ago, and the graduation at the Kemptville College of Agricultural Technology—and everybody, bar none, said: "No, but what are you doing with Bill 91? What in the world do we need that for?" I'm still wondering. I am asking, please tell us why you are resisting one week of public hearings. I suggest to you that in southwestern Ontario we could have a day; a day and a half down there in south-central Ontario, in central Ontario; one day in northern Ontario and one day down in the great part of the country that I come from, in eastern Ontario. That's all we'd need: five days. The message would come through loud and clear: "Bill 91 is redundant; Bill 91 is not needed."

I go back to the preamble of Bill 91 and it reads, "It is in the public interest to extend collective bargaining rights to employees and employers in the agriculture and horticulture industries."

Whoever coined that first line, it makes no sense. It is not correct. It is not what agriculture wants and I can tell the Minister of Agriculture, Food and Rural Affairs that if indeed this bill which we don't need was going to appear, it should be in his ministry because indeed he is in charge of Agriculture, Food and Rural Affairs. This bill is about agriculture, food production and rural affairs.

Mr Larry O'Connor (Durham-York): Labour relations.

Mr Villeneuve: Labour relations—and therein is the problem.

I've said on a number of occasions when I've represented my people in this House that under the Ministry of

Labour we have some instances where people go to be trained. They go to school, and that's fine. That's excellent. But the first thing they teach them, Mr Chair, is all of the requirements that the employer owes the employee. They don't teach them right off the bat how to do what it is they're in school to learn. The first thing they learn is all of their rights and what have you.

In Bill 91, it's my understanding that lockouts and strikes will not be allowed, but that binding arbitration will be the way to solve all of the problems between employer and employee. My limited experience with binding arbitration is something less than happy. I can assure the Minister of Agriculture, Food and Rural Affairs and the Ministry of Labour representatives that that will indeed be the case, because in agriculture people speak to one another. If there's a dispute, you correct it, and if it can't be reconciled, then people go on and new people replace them. It's about that simple. It has worked for a long time. Why involve Big Brother and Labour Relations Act enforcers in agriculture? I cannot understand that.

I know we're on limited time and I intend to present these amendments, unless someone in authority can tell me why they are resisting one week of public input from the people who will be directly affected: the agriculture, food production and rural community.

Mr Bill Murdoch (Grey-Owen Sound): Why not, Paul?

Mr Villeneuve: The parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs is giving some advice to the parliamentary assistant to the Minister of Labour. I hope the advice he gives him is: "Yes, why don't we? We would like to hear what the real folks out there who are going to be involved with Bill 91 are saying. Let's get them on the record. Hansard will be there and we'll get them on the record."

I have been on the record since day one saying it's not needed, it's redundant, it will create havoc. We have questioned in the House on a number of occasions and the Premier passed the question on to the Minister of Agriculture, Food and Rural Affairs. We've always had no names—oh, the federation of agriculture and the Agricultural Labour Management Advisory Committee—that's a mouthful—which advise the different ministries, have come forward and have said, "If this and that happen, it's okay." But remember, they were told, "Unless you accept something like Bill 91, Bill 40 applies to agriculture." That's a travesty and that's what you call bargaining with a gun to your head. You've heard of that. That's what is happening to this group called the Agricultural Labour Management Advisory Committee.

They came up with something because it was a necessary evil, because Bill 40 is certainly not something that would be conducive—it says here, "It is in the public interest to extend collective bargaining rights to employees and employers in the agriculture and horticulture industries." Whoever coined that one should have a second look, because in the next paragraph it says, and this is the important part: "However, the agriculture and horticulture industries have certain unique characteristics that must be considered in extending those rights. Those

unique characteristics include seasonal production, climate sensitivity, time sensitivity, the perishable nature of agricultural and horticultural products, and the need for maintenance of continuous processes to ensure the care and survival of animal and plant life."

But the first sentence says it's good and it's conducive for the agricultural community to join unions? Come on; that's got to be wrong. It's got to be wrong. The exemption of agriculture that we've always had has worked beautifully. It's worked beautifully.

I know the government—and probably my colleague from Northumberland wants to add a few words within the hour we have been allocated. I ask anyone—anyone—on the government side, why will you not grant us one week of public hearings so the people in rural Ontario can tell us what they think? If they come in droves and say, "This is great; it's in the public interest to extend bargaining rights and unionization to agriculture and food," I will sit in this Legislature and congratulate you and support your bill. But until you prove me that, there is absolutely no way I can accept, in any way, shape or form, that bargaining, the way Bill 91 is set up, is conducive to prosperous and economic agriculture.

We have a situation where the federal government is presently subsidizing the transportation of western grain into Ontario. We now have in this fiscal year more western grain in Ontario than we had all of last year. There's been \$16 and \$17 a tonne of federal subsidy on every tonne that comes into Ontario and competes with the oat, barley and corn producers of Ontario. That is a problem. Then we're going to allow people to unionize here in Ontario on the farm, which would make them even less competitive against the public purse? It makes no sense. So I'm asking, I'm pleading with someone to tell me why you won't give us a week of public hearings.

The Chair: Parliamentary assistant, do you wish to reply?

Mr Cooper: All right, I guess I could respond here. I think what we have to do is go back to the very original when you got the task force on agricultural labour relations. If you look at the first paragraph, it tells you exactly what this is all about. "As part of its proposed reform of the Labour Relations Act, the government indicated that the right to organize for collective bargaining purposes should be extended to persons employed in landscape gardening and in those parts of the agricultural and horticultural sector which utilize industrial or factory-style methods of production."

It's quite clear we're not unionizing the family farm, which is the red herring that's out there.

To go out and do the public hearings after two years of deliberation—we've sat down with the task force, which has three representatives from the agricultural community, two representatives from organized labour, one representative from farm workers and two staff from the Ontario ministries of Labour and Agriculture, Food and Rural Affairs, and we have a consensus.

Since the original Bill 91, we've brought forward these amendments, because the task force continued to meet and they raised certain concerns that weren't met in Bill

91. We've brought forward these amendments that will address all these and we have this consensus, and it's our commitment to get this done as soon as possible.

To delay it for a week of public hearings would delay it till next fall, in which case, as you said, we would hear people who are against this and you'd come in and you'd deliberately stall this again and we would be going on for ever. That's why the commitment is to get this done, to get it done now, and not to do the public hearings.

1800

Mrs Joan M. Fawcett (Northumberland): I am rather interested in the debate and the words from the honourable member from S-D-G & East Grenville, and also the remarks in rebuttal from the parliamentary assistant. I'd like to take a step back further even yet and go back another year to when the minister introduced Bill 40. When Bill 40 was introduced, the agricultural exemption was removed from that. It was gone, and this was before all of this consultation that the parliamentary assistant was remarking on. So we've got Bill 40 without an exemption for the agricultural community, and I would suggest that maybe that's when a lot of people got very upset and very worried in the farm community that all of a sudden they were now subject to Bill 40.

I wonder too whether or not the Minister of Labour, at that time when he brought forward Bill 40, taking out the agricultural exemption, was in contact with and in consultation with the Minister of Agriculture, Food and Rural Affairs, and even the two parliamentary assistants. Were they at that time consulted or talked to?

If so, I can't understand, at that time, whether or not the Minister of Agriculture would agree that this exemption should be removed. Then, I would suspect, this task force was put together and the consultation started, all of the questions being looked at very, very carefully, and these 11 recommendations came forward at that time. Then the minister decided he'd better do something, so he brought forward sort of the son of Bill 40, which is Bill 91, before us now.

As I recall, the 11 recommendations were not addressed in this bill and people were again very upset, so now we have all of these amendments coming forward that are going to address the problem.

But let there be no mistake here that when Bill 40 came forward, I just have a feeling that agriculture was not really consulted at that time, and if they were, I would really suspect that they would have suggested that the agricultural exemption remain.

There are some things being said here, some statements being made that we don't agree with or, "The Liberals didn't say much about Bill 91." I just want to tell you what the member from S-D-G & East Grenville said on May 14, 1992. He got up in the House and said, "Can the minister assure the House and family farms across this province that the Ministry of Agriculture and Food will indeed be the ministry to oversee any labour law that comes" forward? He was saying at that time that there should be something else here, that there should maybe be a Bill 91. He's saying that he never, ever agreed with it, but I think it's right in Hansard.

Then again on June 24, 1992, "Farmers don't need the added insecurity of Bill 40 hanging over their heads.... What they need is assurance from the Minister of Labour that all references to agriculture will be removed from...Bill 40 and that the right to organize will be recognized in a separate agriculture-labour relations act....Would you not today...assure our rural community that there will be special legislation and Bill 40 will have nothing to do with agriculture?" The member from Stormont, Dundas and Glengarry was asking for another bill, for special legislation to agree with this.

Then I believe that our leader, Lyn McLeod, on June 29, 1992, asked a question in this House. She asked that the Minister of Labour "make a commitment today, before the debate on the Labour Relations Act amendments begins, to removing the section of those amendments which allow him to include agricultural workers at some subsequent date by regulation." The leader also asked, if the government is going to implement separate agriculture legislation, that the task force report be really looked at. I just wonder at some of this.

On July 7, 1992, we have the member from Stormont, Dundas and Glengarry begging for separate agricultural labour legislation: "Minister, please confirm that this recommendation will be adopted by the government for separate legislation for agriculture, if indeed you are listening." So there we are.

Then on November 17, 1992, again our leader spoke of the flaws in Bill 91, and asked the Minister of Labour why he did not keep his commitment to the agriculture community and demanded that the flawed legislation be withdrawn and that the minister should work with farm groups to fulfil the commitment of the task force report.

Then, because it was such a good question, the member from Stormont, Dundas and Glengarry figured he better get in on it, so he asked the same question. I just wonder about some of these statements that are being made.

On March 22, 1994, the leader asked for the flawed legislation to be fixed, asked why Bill 91 betrayed the recommendations of the OFA and asked for amendments that dealt with the OFA's concern.

Then we moved to our opposition day where we spent the whole day on Bill 91. We were demanding absolutely that the minister reinstate the agricultural exemption under the Labour Relations Act. Bill 91 is definitely not something any farmer we have spoken to—we really believe the farmers out there are very concerned about this bill. They do not need it. They are not asking for it. The parliamentary assistant, the member for Huron, did get up and say he was one farmer who was for the bill, but I really question that.

1810

Mr Cleary: He's a loner on this one.

Mrs Fawcett: He is definitely a loner on this one. I believe that farmers out there are feeling betrayed. They feel that the Minister of Agriculture, Food and Rural Affairs is not really working towards their interests.

Mr Kimble Sutherland (Oxford): Oh?

Mrs Fawcett: On this matter. I will grant that the

minister has been working for farmers on other things, but on this one, I think he came in on it after the damage was done on Bill 40.

Mr Murdoch: He felt lonely. He had friends, and none of the other ministers did.

Mrs Fawcett: Maybe that was it.

We want the agricultural exemption put back into Bill 40. We will be moving an amendment in that respect, and we know this is truly what the farmers want. A farm labour bill is not necessary at all. Farmers know how they must treat their workers if they need a job done. They cannot stand even so much as a slowdown.

Mr Sutherland: Nova Scotia, New Brunswick, Quebec: Liberal governments, and they all have it.

Mrs Fawcett: But we do not need it here in Ontario. We treat our farmers and farm workers very well. I don't think there are any arguments whatsoever.

Getting back to the specifics of the bill, I worry that even the 11 recommendations are not being totally addressed in this bill. Is it truly separated, as was asked for? Is it truly separated from Bill 40, or is it still attached?

Mr Elston: No. When this gets passed, it'll be just part of the same bill.

Mrs Fawcett: Part of the overall thing. In the "agriculture" definition, have we really addressed all the concerns there? One question I have on the definition of agriculture is where it talks about the raising of livestock, and I'm wondering what is included in "livestock." I have been asked whether deer farming is included in the raising of livestock.

There are numerous questions one could ask, but if we have to have this bill at this time—and believe me, I can hardly wait for the day when we hold the reins of government again and can address this and remove Bill 91 and put the agricultural exemption back into the Labour Relations Act.

Mr Murdoch: Are you going to throw the bill out? Tell us.

Mrs Fawcett: We will remove Bill 91 and put the agricultural exemption back into the Labour Relations Act, yes.

Mr Murdoch: Get rid of Bill 40 while you're at it; might as well.

Mrs Fawcett: I believe my colleague has a very important amendment to make, and maybe I can get a few answers to the questions.

Mr Murdoch: It certainly is a pleasure to stand here tonight and talk about Bill 91. It doesn't seem like it would have been a big problem to give us a week to look at this. We go on and on with all kinds of other bills, silly bills, and some of them we take out to hearings, some we don't. This bill is very important, and I can't understand why the Minister of Agriculture would not want this bill to go out. I can understand why the Minister of Labour doesn't want it to go out, because they're going to get crapped all over, but the Minister of Agriculture could go out. He did have some friends left in the agricultural sector.

Mr Sutherland: He has a lot more than you have.

Mr Murdoch: Oh, I won't even talk to him. He's not in his seat, so we won't worry about him. If he sits in his seat, maybe we'll talk to him.

The Liberal speaker who just spoke mentioned that she couldn't understand why the minister would want to bring this bill in. As I've mentioned before, none of the ministers have any friends left in the sector they represent, and I think the Minister of Agriculture was feeling the heat a bit because he did have some friends out there. He did have, and he could have again if he would take this out for a week's hearing, because then he would understand what the farmers think about this bill and he wouldn't just be ramming something down our throats. This is, if you'll remember, another closure bill, one of the 14 bills that have been closed by this government when it gets to a point where it doesn't want to listen to anyone any longer and brings in closure. That's why we only have around 15 minutes left to debate this bill, because they brought in a closure bill and put time limits on us.

Mr Elston: We should have at least half an hour.

Mr Murdoch: Certainly we should have at least half an hour, and so should everyone else from a rural area. I agree with the member for Bruce that everyone should have at least half an hour to speak on this bill, but unfortunately we don't. We're done in another 15 minutes, and that's it, they're going to ram this bill through. There's no democratic system left over there. First of all you bring in closure, and then you say, "We're not going to let you take it out to committee." That's the democratic process, but this government seems to have lost the democratic process. Maybe they're thinking, "We're not going to be around too much longer anyway, so why worry about it?"

As I said before, the minister had some friends left in the agriculture sector, but he certainly is getting rid of them very, very fast. If you read Town and Country, there's a gentleman who grows vegetables who said: "It was either this bill or Bill 40. They put a gun to our head." The minister spoke to his group and said, "You will have a labour law bill whether you like it or not, so you might as well accept this bill, because if you don't, we'll put you under Bill 40," and it's worse. But all this is an extension of Bill 40.

You talk about how there won't be strikes in this sector and there won't be strikes in that sector. Once you get the labour movement into the agriculture sector, there will be strikes; that will be the next thing on their agenda. I'm telling you that farmers can't afford strikes. Farmers have looked after themselves for years and years and have had a good working relationship with the labour sector.

Interjection.

Mr Murdoch: Again the member for Oxford seems to want to get in on this debate, but unfortunately he doesn't want to sit in his seat. Maybe if he'd go to his seat, somebody would allow him to get in on the debate, but this seems to be normal for him.

We don't know who wants this bill. We've asked the

question of the parliamentary assistant for Labour, the Minister of Agriculture, the parliamentary assistant for Agriculture. The parliamentary assistant says he wants this bill. I guess he represents all the farmers now. Maybe that's what he's decided, that he is the new guru in farming, because he says, "I want this, so the rest of the farmers must want this." He seems to be the only one, so at least they answered our question. We said, "Give us one person," and we know the member for Huron is definitely in favour of unionizing the small farms. That's fine if that's what the member for Huron wants, but unfortunately, the rest of the people don't want that.

I would just plead again with the government, would you give us one week to let the farmers decide? As our critic for Agriculture has said, if the farmers come forward and say they want this bill and they think it's fine, we certainly wouldn't object. But unfortunately, they're not even giving them that chance.

They talk about how there were three farmers on some sort of committee they had running around the province. Well, three farmers do not represent the whole province, unfortunately. If they'd let it go out for one week, the majority of farmers would have a chance and the labour workers who work on the farms would have a chance to say, "Yes, we like this bill" or "No, we don't" or "We would like some different amendments," or whatever. But unfortunately, this government has gone so far that it can't even do that. They've lost the decency to let bills go to committee.

I will wrap up. Maybe they have their amendments ready and I'll let them have their amendments now.

1820

The First Deputy Chair (Ms Margaret H. Harrington): Further questions or comments?

Mr Michael D. Harris (Nipissing): I'm upset today. There are no reporters here. There's nobody from the media here. That's why this minister and this government think they can jam this bill through without hearings. That's why. When we had Bill 40, which was exactly similar legislation that affected so many people, we had hearings across the province. That's because there was more political clout, there was more bumf. The media were interested, the Toronto media.

The Toronto media—and I don't blame them—don't understand rural Ontario. They don't understand agriculture. Quite frankly, that's fine. That's not their job. But it really upsets me when I have a Minister of Agriculture and whole party and a cabinet in power that don't understand agriculture and don't understand rural Ontario.

Mr Klopp: You didn't even mention it in your book. Noble had to phone you up after the—

The First Deputy Chair: Order, the member for Huron.

Mr Harris: What we have here is a party prepared to jam the unionization of family farms down the throats of rural Ontarians, down the throats of farmers, without even allowing them the opportunity to have hearings, to have their say, to come before a legislative committee and give their opinions. Why? Because they know. Why else would you deny democracy? Why else would you deny

farmers, rural Ontarians, the opportunity to come before a parliamentary committee?

You know what, Madam Chair? We have had public hearings on virtually every issue that has come along. Rarely has a government forced bills through without allowing the public an opportunity, especially on a bill this significant, to fundamentally change the way particularly family farms are operated, to fundamentally change the labour laws of this province as it affects the agribusinesses and it affects farmers.

I understand that you think this is good legislation, and we do not and we're opposed. I understand that, but I do not understand this: taking the fundamental right of democracy away from farmers, telling them, "Sorry, you can't even come before a legislative committee and give us your viewpoints." That is unacceptable to us.

Madam Chair, we are moving 400 or 500 or 600 amendments. Yes, we plan to tie up this Legislature today, tonight, tomorrow, the next day, as long as we possibly can, if others will assist us. Yes, we plan to slow things down here. Yes, we're prepared to stand up for democracy. We're saying to farmers, yes, there is a political party here prepared to stand up and say it is time to do everything we can within our power to force this arrogant, undemocratic government to allow even the basic tenet of democracy: the right to be heard before you jam it down their throats. No, they want to jam it down their throats before they've even had public hearings.

It is a sad day when rural members of this caucus support not giving farmers, those in rural Ontario, the agribusiness, even the right to appear before a legislative committee. It is an even sadder day when the Minister of Agriculture—and I want to say this directly to the Minister of Agriculture, because he is somebody in the cabinet of the New Democratic Party, one of the very few, who had a little strand of credibility with some in the agricultural community.

The union people don't support the Minister of Labour any more. He's lost it. The cabinet has lost it. But I do want to say directly—the Minister of Agriculture is here—that as I've travelled this province, as I've talked to people in their homes, in their kitchens, on their farms, they'd say: "We know Bob Rae doesn't understand or care about us. We know the cabinet is Toronto-based, they don't understand rural Ontario, they don't understand agriculture."

Interjections.

Mr Harris: I am repeating exactly what I have heard as I have travelled this province. They've said: "We understand that this New Democratic caucus will do whatever it's ordered to do to try and hang on to any semblance of power, and they know their power is the union bosses. That's where the money comes from and that's where the support comes from." That's not me speaking. This is exactly, as I address this particular amendment, what Ontarians have said to me. This is what farmers have said to me.

They've said, "We think the Minister of Agriculture is just outvoted 20 to 1, if there's 20 in cabinet, or 25 to 1, depending on who they let around the cabinet table, or 72

to 1, depending on who is in caucus." Many of them said: "We think he understands. It's just his party and his Premier and his Treasurer and his cabinet colleagues and his caucus who don't understand." They were prepared to give him the benefit of the doubt, but after today there's no more benefit of the doubt. There is no more benefit of the doubt.

For the Minister of Agriculture to say to farmers, every single farmer, "No, you're not entitled to express your viewpoint to a legislative committee before we pass this bill; no, we don't want to hear from you," to make that statement by his lack of support for our request for even a week of hearings, even a day—you won't give us a day, and now the Minister of Agriculture says no.

Hon Brian A. Charlton (Government House Leader): We offered that, Mike. You turned it down.

Hon Mr Buchanan: You were offered two.

Mr Harris: Now they backtrack. Now they say, "You could have two weeks." Tell us we can have two weeks of hearings.

But what you have done with your closure motion, what you have done with the resolution that is before us, is that you have said to farmers, "Not one farmer, not one reeve or mayor or warden of any rural area, not one of you, can come before a legislative committee and express a viewpoint on this piece of legislation."

In the Common Sense Revolution, and it's particularly appropriate to this amendment, we call for no cuts to agriculture: not a single nickel. Here we have this minister who cut agriculture funding last year, cut agriculture funding this year. We have said very clearly in the Common Sense Revolution where we would cut and where we wouldn't: no cuts for agriculture, no cuts for northern development. The Minister of Northern Development is here. No cuts in those areas, and this government slashes funding for agriculture.

Speaking specifically to this particular amendment, because it's one of at least 500 that we're prepared to move and that we want voted on, we want to send a very strong signal out: We are not happy. We're not happy on behalf of every farmer in this province. We are not happy on behalf of all those in the agribusinesses. We're not happy on behalf of those politicians, elected municipal representatives, in every single town and county and community of rural Ontario, that this Minister of Agriculture has said, "Not only do we slash your budget each year, but we bring in this kind of labour legislation and say to you that you're not even entitled to have one word of input, no public hearings."

Look at the kinds of legislation we've had hearings on. We've had full hearings on the sale of ammunition. We had full hearings on Bill 40. We had full public hearings on Sunday shopping about three or four times.

1830

Mr Elston: On a point of order, Madam Chair: I have been listening to the leader of the third party now for about eight and a half minutes, and since he has never been involved in this agricultural issue to any extent whatsoever, I believe he should be ruled out of order, with respect.

The First Deputy Chair: That is not a point of order.

Mr Elston: In fact, this is a phoney war these people have created to cover the fact that they turned down public hearings on this. We had arranged to have public hearings on this bill and the Tories turned it down because it wasn't good enough for them to see that something else was being done. It is not true to say there was none offered, and in fact it's a phoney war that he's conducting. It's a phoney revolution that he stands for.

Mr Harris: On a point of order, Madam Chair—

The First Deputy Chair: There is nothing out of order. Time has expired.

Mr Harris: Then I have a point of privilege I'd like to raise: Under the privileges of the Legislature, the member for Bruce has imputed a motive and lied to this Legislature. I would ask him to withdraw the imputing of motive and I would ask him to withdraw the lie.

The First Deputy Chair: I would ask the member for Nipissing to withdraw his comment.

Mr Harris: If I have offended the Chair, I'll withdraw. Would you rule please on the imputing of motive.

The First Deputy Chair: According to the time allocation motion—

Mr Harris: I'm sorry, I have a point of privilege, Madam Chair. I ask you to rule on whether the member for Bruce imputed a motive about me and I would like that ruling.

Mr Elston: Ignore him. Make him stay all night.

Mr Harris: You can't ignore it. He imputed a motive and I want it ruled on.

The First Deputy Chair: Order. There is no point of privilege.

Mr Harris: You have ruled that this wasn't imputing a motive?

The First Deputy Chair: That's right.

Mr Harris: That I lied in the Legislature? That wasn't imputing a motive? Is that your ruling?

Interjections.

The First Deputy Chair: Order. I have ruled that there is not a point of privilege.

According to the time allocation motion which has been passed by this House, I am required to put every question.

I will begin with the Liberal motion to subsection 1(1). This motion is out of order because it reverses the principle of the bill.

I will go on to subsection 1(1), which is a government amendment. The vote on this amendment is stacked.

Further, in subsection 2(3), there is a government amendment, and the vote on this amendment is stacked.

In subsection 2(3), there is a Progressive Conservative amendment, and there are also amendments through to subsection 2(463). The vote on each of those amendments is stacked.

Going on to subsection 3(12), there is a government amendment. According to the motion, this vote is also stacked.

There are no amendments to section 4. Shall section 4 carry? Carried.

In subsection 5(2) there is a government amendment, and accordingly the vote is stacked.

In section 6, there are no amendments. Shall section 6 carry? It is lost.

Section 7, there are no amendments. Shall section 7 carry? Agreed.

In section 8, there are no amendments. Shall section 8 carry? No, that is lost.

In section 9, there are no amendments. Shall section 9 carry?

All those in favour, please say "aye."

All those opposed to section 9, please say "nay."

In my opinion, the ayes have it.

In section 10, there are no amendments. Shall section 10 carry?

Mr Villeneuve: Madam Chair, on a point of order: It was my understanding that the votes are all stacked here and there will be a five-minute bell.

The First Deputy Chair: To clarify, I will read what we have agreed to. We have sought consent of the House that during committee of the whole on Bill 91, that where amendments are seen to be in order, we will see or deem a division and stack those divisions until the point at which all the amendments have been dealt with, and we would then have a single bell and deal with the votes associated with those amendments.

We are now continuing with section 11. There are no amendments to section 11. Shall section 11 carry? I declare it lost.

In section 12, subsection 12(1), there is a government amendment, and the vote on that is accordingly stacked.

Going to section 13, there are no amendments. Shall section 13 carry? Carried.

Going to section 14, there are no amendments. Shall section 14 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. The vote is accordingly stacked on section 14.

In section 15, there are no amendments. Shall section 15 carry? Carried.

Section 16 has no amendments. Shall section 16 carry? Carried.

In section 17, there is a government amendment, the vote on which is accordingly stacked.

In section 17, subsection 17(6), there is another government amendment, the vote on which is stacked.

In section 18, there is a government amendment, and the vote on that is stacked.

In section 19, subsection 19(1), there is a government amendment, the vote on which is stacked.

In section 19, subsection 19(4), there is another government amendment, and the vote on that is stacked.

In section 20, subsection 20(1.1), there is a government amendment. The vote on that is stacked.

In section 21, there are no amendments. Shall section 21 carry? Carried.

In section 22, there is a government amendment to subsection 22(6), the vote on which is stacked.

In section 23, there are no amendments. Shall section 23 carry? Carried.

In section 24, there are no amendments. Shall section 24 carry? Carried.

In section 25, subsection 25(4), there is a government amendment, and the vote on that amendment is stacked.

In section 26, there are no amendments. Shall section 26 carry? Carried.

In section 27, there is a government amendment, and the vote on that is stacked.

In section 28, there is a government amendment to clause 28(1)(b), and the vote on that is stacked.

In section 29, there are no amendments. Shall section 29 carry? Carried.

In section 30, there is a government amendment, and the vote on that is stacked.

In section 31, subsections 31(1), (2), (4), (5) and (6), there are government amendments, and the vote on each of those is stacked.

There is also a government amendment to the preamble, and the vote on this amendment is stacked.

In section 31, there is a government amendment to subsection 31(5), and that amendment is stacked.

Also in section 31, subsection 31(6), there is another government amendment, and the vote on that amendment is stacked.

Section 32: There are no amendments. Shall section 32 carry? Carried.

Section 33: There are no amendments. Shall section 33 carry? Carried.

Call in the members; there will be a five-minute bell.

The division bells rang from 1845 to 1850.

The First Deputy Chair: Would members please take their seats. I recognize the government House leader.

Hon Mr Charlton: We're at a stage where all the amendments that have been moved are deemed to have been divided on and stacked for a vote, and we've had one section of the bill divided on and stacked for a vote. In the amendments, there are two packages. There is a package of government amendments and a package of amendments by the Conservative Party.

I would seek the consent of the House to deal with those amendments in three packages: that we deal with the section which has been divided on as one item, that we deal with the government package of amendments as a second item, and that we deal with the Conservative package of amendments as a third item.

The First Deputy Chair: Do I have agreement of the House?

Mrs Margaret Marland (Mississauga South): On a point of clarification, Madam Chair, through you to the government House leader: Are you suggesting that by doing it in three phases, there are actually three separate

votes and members could have the option of leaving between those votes? Is that the advantage, or what is the advantage for doing it the way you're proposing?

Hon Mr Charlton: What I am proposing is that there be three votes, but the doors would not be opened between the three votes. There would be a vote on the section which has been divided on, there would be a vote on the government package of amendments, and there would be a vote on the Conservative package of amendments.

Mr Villeneuve: It's my understanding that now our 400-and-some amendments would be one vote only?

Hon Mr Charlton: That's what I propose.

Mr Villeneuve: I don't believe that would be fair. I certainly want to present some of these amendments just to prove to the House—

Mr Cooper: You can't read them.

Mr Villeneuve: I can't read them?

Mr Cooper: No, they're deemed to be moved already.

Mrs Marland: On a point of order, Madam Chair: The critic, the member for S-D-G & East Grenville, asked a very fair question, and I don't think it's up to the member for Kitchener-Wilmot to answer the question. I think it's up to the government House leader to answer the question. What you're asking for is that all of these 500 amendments to Bill 91 be deemed as moved and one vote.

Hon Mr Charlton: It has already happened.

Mrs Marland: We have a slight disadvantage just at the moment because our own House leader isn't here.

Interjections.

The First Deputy Chair: Order. The member for Mississauga South may conclude her remarks.

Mrs Marland: It's great to operate under a democracy. We had a five-minute bell, and the five-minute bell, quite frankly, took a number of us by surprise, including some of the government members and the Minister of Housing. We were in a meeting.

Hon Evelyn Gigantes (Minister of Housing): No, I expected it.

Mrs Marland: If the Minister of Housing is saying now she expected it—we all looked at the television in the room where we were meeting and said, "What is this?" You didn't say, "It's a vote we were expecting." You didn't even know if it was a quorum or a vote.

At this point, without our House leader here, we have no knowledge about what has been agreed to. I would doubt very much that it was agreed to that these 500 amendments were going to moved as one vote. We don't even have the House leader here at the moment for the official opposition. If there's gamesmanship going on, I hope somebody will explain it.

Hon Mr Charlton: There was a motion passed by the House some time ago, which the Chair can read, but the essence of the motion said that at the end of one hour in committee of the whole, all the amendments which had tabled before 3:30 today would be deemed to have been moved. That's the process that has already occurred here.

We have now been through the process by agreement among the three House leaders, and with the consent of the House, to deal with each of those motions and to deem a division on all of them, so you didn't have to have five members here in the House to divide, and we are now at the point in the process of dealing with the votes on those motions. There is no longer a need to read the motion into the record; it's already been moved and deemed to be moved.

So we're at the point where I've made a proposal that we deal with the government amendments as a package, with the Conservative amendments as a package, and with the section which has been divided on as a package.

The First Deputy Chair: We have clarified the matter. At this point, I need to find out if there is agreement to proceed with that the government House leader has put forward.

Mrs Marland: On a point of order, Madam Chair—

The First Deputy Chair: Can you put your point briefly?

Mrs Marland: My point of order is that the government House leader has just said there was agreement that these motions would be deemed to have been moved.

Hon Mr Charlton: There was not an agreement on that. That's the issue that was dealt with in the time allocation motion. That's an order of the House.

Mrs Marland: All right. So if they're deemed to have been moved, that's one thing. But there was not an agreement that they would not be individually voted on. If that's what you're seeking now, agreement that these will be individually voted on, what we are saying is that there is not agreement to that.

The First Deputy Chair: Thank you. Now we will proceed with the voting.

To subsection 1(1), there is a government amendment. All those in favour of the amendment to section 1, please rise and be counted by the clerk. All those opposed to the motion will please rise and be counted by the clerk.

The ayes being 40, the nays being 8, I declare the amendment carried.

Shall section 1, as amended, carry? Carried.

In subsection 2(23), there is a government amendment. All those in favour of this amendment? Same vote.

The ayes being 40, the nays being 8, I declare this amendment carried.

In subsection 2(23), there is a PC amendment. All those in favour of the motion will please rise and be recognized by the clerk. Same vote reversed? Agreed.

The ayes being 8, the nays being 40, I declare this amendment lost.

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Subsection 2(4), there is a PC amendment. Same vote? I declare the amendment lost.

Subsection 2(5), there is a PC motion. Same vote? I declare the amendment lost.

To subsection 2(6), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(7), there is a PC amendment. Same

vote? I declare the amendment lost.

In subsection 2(8), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(9), there is a PC amendment. Same vote? I declare this amendment lost.

Interjections.

The First Deputy Chair: Order. I must remind all members that they must remain in their seats.

In subsection 2(10), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(11), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(12), there is a PC amendment. Same vote? I declare this amendment lost.

Mr Villeneuve: On a point of order, Madam Chair: This is going to be a tedious process. I am simply asking, is there a possibility that the government would reconsider having a week of hearings instead of this? No? We'll continue, then.

The First Deputy Chair: To subsection 2(13), there is a PC amendment. Same vote? Amendment lost.

To subsection 2(14), there is a PC amendment. Same vote? I declare that amendment lost.

To subsection 2(15), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(16), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(17), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(18), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(19), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(20), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(21), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(22), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(23), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(24), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(25), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(26), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(27), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(28), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(29), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(30), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(31), there is a PC amendment. Same

vote? I declare the amendment lost.

To subsection 2(32), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(33), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(34), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(35), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(36), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(37), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(38), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(39), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(40), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(41), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(42), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(43), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(44), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(45), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(46), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(47), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(48), there is a PC amendment. Same vote? I declare this amendment lost.

To subsection 2(49), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(50), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(51), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(52), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(53), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(54), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(55), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(56), there is a PC amendment. Same vote? I declare the motion lost.

To subsection 2(57), there is a PC amendment. Same vote? I declare the motion lost.

Subsection 2(58), a PC amendment. Same vote? Lost.

Subsection 2(59), there is a PC amendment. Same vote? It's lost.

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Subsection 2(60), there is a PC amendment. Same vote? Lost.

Subsection 2(61), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(62), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(63), there is a PC amendment. Same vote? Lost.

To subsection 2(64), there is a PC amendment. Lost.

Subsection 2(65), there is a PC amendment. Lost.

Subsection 2(66), there is a PC amendment. Lost.

Subsection 2(67), there is a PC amendment. That one is lost.

Subsection 2(68), there is a PC amendment. Same vote? I declare the amendment lost.

Subsection 2(69), there is a PC amendment. Same vote? Lost.

Subsection 2(70), there is an amendment. Same vote? I declare the amendment lost.

Subsection 2(71), there is a PC amendment. Same vote? I declare the amendment lost.

Subsection 2(72), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(73), there is an amendment. Same vote? I declare the amendment lost.

To subsection 2(74), there is an amendment. Same vote? I declare the amendment lost.

To subsection 2(75), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(76). Same vote? Lost.

To subsection 2(77). Same vote? Lost.

To subsection 2(78). Same vote? It is lost.

To subsection 2(79). Same vote? It is lost.

Subsection 2(80). Same vote? It is lost.

Subsection 2(81). Same vote? It is lost.

Subsection 2(82), there is a PC motion. Same vote? I declare the motion lost.

Subsection 2(83), there is an amendment. Same vote? I declare the amendment lost.

To subsection 2(84), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(85), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(86), there is an amendment. Same vote? I declare the amendment lost.

Subsection 2(87). Same vote? Amendment lost.

To subsection 2(88). Same vote? Amendment lost.

To subsection 2(89). Same vote? Amendment lost.

To subsection 2(90). Same vote? Amendment lost.

To subsection 2(91). Same vote? Amendment lost.

To subsection 2(92). Same vote? Amendment lost.

To subsection 2(93). Same vote? Amendment lost.

To subsection 2(94). Same vote? Amendment lost.

To subsection 2(95). Same vote? Amendment lost.

To subsection 2(96). Same vote? Amendment lost.

To subsection 2(97). Same vote? I declare it lost.

To subsection 2(98), there is an amendment. Same vote? I declare it lost.

To subsection 2(99). Same vote? Amendment lost.

To subsection 2(100). Same vote? Amendment lost.

To subsection 2(101). Same vote? Amendment lost.

To subsection 2(102), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(103), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(104). Same vote? Amendment is lost.

To subsection 2(105). Same vote? Lost.

To subsection 2(106). Same vote? Amendment lost.

To subsection 2(107). Same vote? Amendment lost.

To subsection 2(108). Same vote? Amendment lost.

To subsection 2(109). Same vote? Amendment lost.

To subsection 2(110). Same vote? Amendment lost.

Mrs Marland: I voted against that last amendment, Madam Chair.

The First Deputy Chair: For subsection 2(110), all those in favour of this amendment will please rise and be counted.

All those opposed to the motion for this amendment, please rise and be counted.

The ayes being 7, the nays being 41, I declare the amendment lost.

Subsection 2(111), there is a PC amendment. Is it the same vote?

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): The ayes are 7; the nays are 41.

The First Deputy Chair: Amendment lost.

To subsection 2(112), there is a PC amendment. Same vote? The ayes are 7; the nays are 41. It is lost.

To subsection 2(113), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(114), there is a PC amendment.

Mr Ted Arnott (Wellington): Not the same vote.

The First Deputy Chair: All those in favour of the PC amendment to subsection 2(114) will please rise.

All those opposed to the motion will please rise.

Clerk Assistant and Clerk of Committees: The ayes are 7; the nays are 41.

The First Deputy Chair: Amendment lost.

To subsection 2(115), there is a PC amendment. Is it the same vote? No?

All those in favour of this amendment, please rise.

All those opposed, be please rise and be recognized.

Clerk Assistant and Clerk of Committees: The ayes are 5; the nays are 43.

The First Deputy Chair: Amendment lost.

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Subsection 2(116): There is a PC amendment. Same vote? No.

All those in favour, please rise.

All those opposed, please rise.

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

The First Deputy Chair: Amendment lost.

Subsection 2(117): PC amendment. Is it the same vote?

All those in favour of this amendment, please rise.

All those opposed, please rise.

Clerk Assistant and Clerk of Committees: The ayes are 7; the nays are 41.

The First Deputy Chair: Amendment lost.

Subsection 2(118): There is a PC amendment.

Clerk Assistant and Clerk of Committees: The ayes are 7; the nays are 41.

The First Deputy Chair: Amendment lost.

Subsection 2(119): There is a PC amendment. Same vote? No.

All those in favour of the amendment, please rise.

All those opposed will please rise.

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

The First Deputy Chair: Amendment lost.

Subsection 2(120): There is a PC amendment.

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

The First Deputy Chair: I declare this amendment lost.

Subsection 2(121): There is a PC amendment.

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

The First Deputy Chair: I declare the amendment lost.

Subsection 2(122): There is a PC amendment.

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

The First Deputy Chair: I declare the amendment lost.

Subsection 2(123): There is a PC amendment.

All those in favour of this amendment, please rise.

All those opposed, please rise.

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

The First Deputy Chair: I declare the motion lost.

Mr Villeneuve: On a point of order, Madam Chair: Would the government reconsider a week of hearings?

The First Deputy Chair: That is not a point of order.

Mrs Fawcett: On a point of order, Madam Chair: I'm just wondering whether the government House leader would consider the two days of hearings that the Tories turned down.

Interjections.

The First Deputy Chair: Order. To subsection 2(124), there is a PC—

Mr Arnott: Madam Chair, on the same point of order: I'd just like to give the government House leader

an opportunity to respond why he won't allow hearings on this important bill.

The First Deputy Chair: I have ruled that is not a point of order.

Hon Mr Charlton: I'd love to take the opportunity, Madam Chair. There was an offer to the member's caucus a week and a half ago, of two days, and they turned it down—

The First Deputy Chair: No. Government House leader, I ask you to take your seat. We are in the middle of the vote.

To subsection 2(124), a PC amendment. Same vote.

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

The First Deputy Chair: Amendment lost.

To subsection 2(125), there is a PC amendment.

Mr Murdoch: On a point of order, Madam Chair: I'd like to point out that those two days were in Toronto, not out in the rural area.

The First Deputy Chair: Let us continue.

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

The First Deputy Chair: Amendment lost.

To subsection 2(126), there is an amendment. Same vote? I declare the amendment lost.

To subsection 2(127), there is an amendment. Same vote? I declare the amendment lost.

To subsection 2(128), there is an amendment. Same vote? I declare the amendment lost.

To subsection 2(129), there is an amendment. Same vote? Amendment lost.

To subsection 2(130), there is an amendment. Same vote? Amendment lost.

To subsection 2(131), there is an amendment. Same vote? Amendment lost.

To subsection 2(132), there is an amendment.

Mr Murdoch: On a point of order, Madam Chair: I believe we've asked for a vote on the last three and you've ignored us. You're going a bit too fast. Could you slow down so you could give a chance to vote?

The First Deputy Chair: All those in favour of the motion on subsection 2(132), will please rise.

All those opposed to this amendment on subsection 2(132)?

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

The First Deputy Chair: Amendment lost.

To subsection 2(133), there is a PC amendment. Same vote? Amendment lost.

To subsection 2(134), there is a PC amendment. Same vote? Amendment lost.

To subsection 2(135), there is a PC amendment. Same vote? Amendment lost.

Mr Chris Hodgson (Victoria-Haliburton): On a point of order, Madam Chair: As has been pointed out by the member for Sarnia, most people in rural Ontario don't

have cable TV, but they should know what amendment's being voted on. There's no way they can understand—

The First Deputy Chair: Would you take your seat, please. That is not a point of order.

To subsection 2(136), there is a PC amendment. Same vote? It is lost.

To subsection 2(137), there is a PC amendment.

Interjections: Same vote.

The First Deputy Chair: Amendment lost.

To subsection 2(138), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(139), there is a PC amendment. Same vote? Amendment lost.

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To subsection 2(140), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(141), there is a PC amendment.

Clerk Assistant and Clerk of Committees: The ayes are 8; the nays are 40.

Mr Murdoch: On a point of order, Madam Chair: I understand that there are some security people in here whose time is up and they have not been let out of here. I think you should consider them and give them a chance to leave the room for a few minutes and call a recess.

The First Deputy Chair: Would the member take his seat. There is nothing out of order.

Subsection 2(142), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(143), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(144), there's a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(145), there's a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(146), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(147), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(148), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(149), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(150), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(151), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(152), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(153), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(154), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(155), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(156), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(157), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(158), there's a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(159), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(160), there's a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(161), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(162), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(163), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(164), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(165), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(166), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(167), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(168), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(169). Same vote? Amendment lost.

To subsection 2(170). Same vote? Amendment lost.

To subsection 2(171). Same vote? Amendment lost.

To subsection 2(172). Same vote? Amendment lost.

To subsection 2(173), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(174), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(175). Same vote? Amendment lost.

To subsection 2(176). Same vote? Amendment lost.

To subsection 2(177). Same vote? Amendment lost.

To subsection 2(178). Same vote? Amendment lost.

To subsection 2(179). Same vote? Amendment lost.

To subsection 2(180). Same vote? Amendment lost.

To subsection 2(181). Same vote? Amendment lost.

To subsection 2(182). Same vote? Amendment lost.

To subsection 2(183). Same vote? Amendment lost.

To subsection 2(184). Same vote? Amendment lost.

To subsection 2(185). Same vote? Amendment lost.

To subsection 2(186). Same vote? Amendment lost.

To subsection 2(187). Same vote? Amendment lost.

To subsection 2(188). Same vote? I declare it lost.

To subsection 2(189). Same vote? Amendment lost.

To subsection 2(190). Same vote? It is lost.

To subsection 2(191). Same vote? Amendment lost.

To subsection 2(192). Same vote? Amendment lost.

To subsection 2(193), there is a PC amendment. Same vote? I declare the amendment lost.

To subsection 2(194), there is an amendment. Same vote? I declare the amendment lost.

To subsection 2(195). Same vote? Amendment lost.
To subsection 2(196). Same vote? Amendment lost.
To subsection 2(197). Same vote? Amendment lost.
To subsection 2(198). Same vote? Amendment lost.
To subsection 2(199). Same vote? Amendment lost.
To subsection 2(200). Same vote? Amendment lost.
To subsection 2(201). Same vote? Amendment lost.
To subsection 2(202). Same vote? Amendment lost.
To subsection 2(203). Same vote? Amendment lost.
To subsection 2(204). Same vote? Amendment lost.
To subsection 2(205). Same vote? Amendment lost.
To subsection 2(206). Same vote? Motion lost.
To subsection 2(207). Same vote? Motion lost.
To subsection 2(208). Same vote? Motion lost.
To subsection 2(209). Same vote? Motion lost.
To subsection 2(210). Same vote? Motion lost.
To subsection 2(211). Same vote? Motion lost.
To subsection 2(212). Same vote? Motion lost.
To subsection 2(213). Same vote? Motion lost.
To subsection 2(214). Same vote? Motion lost.
To subsection 2(215). Same vote? Motion lost.
To subsection 2(216). Same vote? Motion lost.
To subsection 2(217). Same vote? Motion lost.
To subsection 2(218). Same vote? Motion lost.
To subsection 2(219). Same vote? Motion lost.
To subsection 2(220). Same vote? Motion lost.
To subsection 2(221). Same vote? Amendment lost.
To subsection 2(222). Same vote? Motion lost.
To subsection 2(223). Same vote? Motion lost.

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To subsection 2(224). Same vote? Motion lost.
To subsection 2(225). Same vote? Motion lost.
To subsection 2(226). Same vote? Motion lost.
To subsection 2(227). Same vote? Motion lost.
To subsection 2(228). Same vote? Motion lost.
To subsection 2(229). Same vote? Motion lost.
To subsection 2(230). Same vote? Motion lost.
To subsection 2(231). Same vote? Motion lost.
To subsection 2(232). Same vote? Motion lost.
To subsection 2(233). Same vote? Motion lost.
To subsection 2(234). Same vote? Motion lost.
To subsection 2(235). Same vote? Motion lost.
To subsection 2(236). Same vote? Motion lost.
To subsection 2(237). Same vote? Motion lost.
To subsection 2(238). Same vote? Motion lost.
To subsection 2(239). Same vote? Motion lost.
To subsection 2(240). Same vote? Motion lost.
To subsection 2(241). Same vote? Motion lost.
To subsection 2(242). Same vote? Motion lost.
To subsection 2(243). Same vote? Motion lost.
To subsection 2(244). Same vote? Motion lost.
To subsection 2(245). Same vote? Motion lost.

[illegible]

To subsection 2(297). Same vote? Motion lost.

To subsection 2(298). Same vote? Motion lost.

To subsection 2(299). Same vote? Motion lost.

Mr Villeneuve: On a point of order, Madam Chair: We're at the 300th amendment, and it happens to be McMurrich township. I don't know where that is, but it would be an exemption. However, I feel we are wasting time. Somehow or other we are not getting the attention of the government for what we need. I would be willing to forgo the remaining amendments if the House agrees, and if they don't, we will continue.

The First Deputy Chair: Thank you. Do we have unanimous consent?

Hon Mr Charlton: I think it would be preferable if we considered the original proposal which I put, to deal with the remainder of the Conservative amendments as a bloc, any remaining government amendments as a bloc, and the one section of the bill which was divided on as a single item, so we'd have three quick votes.

Mr Villeneuve: I personally agree to that, other than the fact that the farmers just have not had their say, and we will proceed as the House leader has suggested.

The First Deputy Chair: Is there unanimous consent of the House?

Mrs Marland: On the same point, Madam Chair: I think it's important to understand that if we now agree to what the government House leader is saying, that there be an understanding that what we were doing was on behalf of the farmers of this province. We were asking for public hearings on this bill. We are not getting public hearings on this bill, and this is what we were asking for. We are entitled, on behalf of those farmers in Ontario—

The First Deputy Chair: We are seeking consent. The member for Mississauga South, please take her seat. We are now seeking consent for the proposal put forward by the government House leader. Agreed? Agreed.

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Subsection 2(300) through to subsection 2(463), each has a PC amendment. Same vote? I declare each of those motions lost.

Now we will deal with all the government amendments as previously read. Shall the government amendments carry?

Clerk Assistant and Clerk of Committees: The ayes are 40; the nays are 8.

The First Deputy Chair: I declare the government amendments carried.

We will proceed to section 14. Now we will deal with section 14. Shall section 14 carry?

All those in favour of section 14, please rise. Same vote?

I declare section 14 carried.

Mr Cooper: On a point of order, Madam Chair: On that first vote we had on all the government amendments, was that section 2, as amended, also included in that?

The First Deputy Chair: Shall sections 2, 3, 5, 12, 17, 18, 19, 20, 22, 25, 27, 28, 30 and 31, as amended, carry?

Clerk Assistant and Clerk of Committees: The ayes are 40; the nays are 8.

The First Deputy Chair: I declare that motion carried.

Shall the preamble, as amended, carry? Same vote?

I declare that motion carried.

Shall the title carry? Same vote? Motion carried.

Shall the title carry? Same vote? Motion carried.

Shall I report the bill, as amended, to the House?

All those in favour of reporting the bill, as amended, to the House, please stand and be counted.

All those opposed to reporting the bill, as amended, to the House, please rise and be counted.

Clerk Assistant and Clerk of Committees: The ayes are 40; the nays are 8.

The First Deputy Chair: Motion carried.

Hon Mr Charlton: I move that the committee rise and report.

The First Deputy Chair: The government House leader has moved that the committee rise and report. Does the motion carry? Carried.

The Acting Speaker (Ms Margaret H. Harrington): The committee of the whole begs to report one bill with certain amendments and asks for leave to sit again. Shall the motion carry? Agreed.

We're now dealing with a private member's bill in committee of the whole, so I will return to the chair.

House in committee of the whole.

Mrs Irene Mathyssen (Middlesex): Madam Chair, I am asking for unanimous consent to move Bill 21, in the absence of Mr Wessinger, to committee of the whole.

The First Deputy Chair (Ms Margaret H. Harrington): Do we have agreement that Ms Mathyssen would carry Mr Wessinger's bill into committee? Agreed.

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LAND LEASE STATUTE LAW AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT DES LOIS

EN CE QUI CONCERNE LES TERRAINS À BAIL

Consideration of Bill 21, An Act to amend certain Acts with respect to Land Leases / Projet de loi 21, Loi modifiant certaines lois en ce qui concerne les terrains à bail.

Mrs Irene Mathyssen (Middlesex): I move Bill 21.

Mrs Margaret Marland (Mississauga South): On a point of order, Madam Chair: Does this mean that Ms Mathyssen is asking to carry Mr Wessinger's bill?

Mr Bob Huget (Sarnia): Isn't that what you just agreed to?

Mrs Marland: Can I not ask a question?

The First Deputy Chair (Ms Margaret H. Harrington): I would like to answer your question. Would you sit down.

Ms Mathyssen requested and received permission to carry the bill in committee of the whole.

Mrs Marland: Her wording was that she could move this bill into committee of the whole.

Hon Shelley Martel (Minister of Northern Development and Mines): She said "in the absence of."

Mrs Marland: Yes, she did. She said could she move this bill into committee of the whole. My question is, does that mean that Ms Mathysen is going to answer the questions and deal with this bill throughout the committee of the whole?

The First Deputy Chair: Yes, that's my understanding.

Mrs Marland: Because if that is the case, I'm withdrawing unanimous consent, because this bill stands in the name of Mr Wessenger and I will not be tricked into something that I think is a little misleading, to say the best. If we have to wait for Mr Wessenger to come to deal with his bill, then so be it.

Hon Brian A. Charlton (Government House Leader): Margaret, it was your House leader who asked us to call this bill now.

Mrs Marland: If you would allow a five-minute recess, Mr Government House Leader, I can confer with my House leader in order to be fair about this.

The First Deputy Chair: May I clarify, to the member for Mississauga South? Resume your seat.

We had already moved into committee of the whole and we have already at this point obtained unanimous consent. We cannot go back on that, so we will proceed.

Are there any questions, comments or amendments to Bill 21, and if so, to which sections are you addressing your remarks?

Mrs Marland: I think the table has received the amendments that stand in the name of the Progressive Conservative caucus.

The First Deputy Chair: Yes, to clarify to the member, the table has received PC amendments to section 3 of the bill, to section 11, to sections 16 through 24, and finally to section 19.

Are there any questions or comments to sections 1 or 2?

Mrs Marland: Yes, I have some questions and comments. Madam Chair, I think it's important at the outset of dealing with Bill 21 to recognize the difficulty in dealing with a bill that was, first of all, reported to the House on 15 June from the committee hearing, and then by the time the bill was printed we received it yesterday morning. I want to be very clear that this bill as printed was received by the opposition yesterday morning.

I recognize that because the Liberal Housing critic is not here, obviously the Liberal Party has no concerns with this bill or no interest in this bill. I don't know which.

Mr Dalton McGuinty (Ottawa South): Not true. I'm here.

Mrs Marland: I'm referring to the Housing critic.

In dealing with section 1, which is the definitions section, I would like to ask, in the printed copy that I have, under the Landlord and Tenant Act, it says subsection 1(1) and then there's nothing beside it. I draw that to the attention of the Chair. Perhaps you could look at that and tell me what the explanation is for that, or do you

want to me to ask Ms Mathysen? Mr Wessenger is here now.

Through you, Madam Chair, to the proponent of the bill, I would like to ask what 1(1), which is an absolute blank, means in this bill.

Mr Paul Wessenger (Simcoe Centre): When bills are reprinted, as I understand it, those provisions that were deleted from the bill are deleted and a blank is left where the provision was deleted. If you look through the bill, you will see that 16(1) was also a blank and you will see other blanks throughout the bill. These were provisions that were deleted from the bill as printed after second reading. I understand it's the normal procedure when provisions are deleted to show it this way with respect to a bill.

Mrs Marland: I believe in discussing the definition of the bill in subsection 1(2), it's important to place on the record a public apology. The public apology I wish to place on the record is from my leader, Mike Harris, whose staff in error sent a letter to approximately 12 people saying this legislation had been defeated.

I think, as the government members and the official opposition members will know, letters are written on behalf of leaders and ministers by staff who do research on those matters. This is a private member's bill which obviously, because it's not under any ministry, is not always easy to get information on.

I can only say that my leader, Mike Harris, is sorry that this letter went out in error. He is sending a letter out to all the people who received his letter with the incorrect information. He is sending out a letter of apology to those people to explain that the information was incorrect and in fact to give them the correct information.

Having explained that, I think it's also important to put on the record another letter which is actually on Mr Wessenger's letterhead, dated January 16, 1994. In this letter he says:

"I feel quite strongly that one day is not sufficient for hearings into the bill and am also of the opinion that the committee should travel outside of the Toronto area for the hearings. I have suggested that the committee travel to Cobourg, London and Barrie for hearings.

"I am hopeful that if enough interest is shown by people wishing to make submissions to the hearings, that extra time will be granted for the hearings and a decision for the committee to travel will be made."

2010

Unfortunately, if we're talking about letters with content—and that's why I've apologized for the error in Mr Harris's letter—it might be appropriate or Mr Wessenger may want to correct his own letter, because in subcommittee meetings of the general government committee after the date of this letter, January 16, Mr Wessenger did not request that the committee travel outside of Toronto, nor did he ask for additional days for those committee hearings.

I think part of the problem with this Bill 21 totally is the fact that it is a private member's bill whereas it should be a government bill. The issue that is addressed by Bill 21 is one that is of tremendous importance to two

kinds of investors in this province. One investor buys property in terms of real estate. The other investor buys a home. It may be a modular home, it may be a trailer home, it may in fact be a fixed structure. They too have a tremendous investment, and because this style of living, namely, land-lease communities, is a growing choice of the people in this province, we feel it's very important that their interests are protected by government legislation that goes through the full and open process of government that a government bill is subjected to.

This bill in fact had a day and a half of public hearings. It had, at maximum, eight hours of public input, and then the general government committee moved to the clause-by-clause consideration of this bill.

Because this bill tries to address the concerns of tenants in land-lease communities, mobile trailer parks and other properties in this province where people with mobile homes have their mobile homes located, it is very important that it was in fact a government bill and not a private member's bill. We feel very strongly that if this government were sincere in protecting the investment of people in trailer homes, mobile homes and modular homes and also fixed permanent homes in land-lease retirement communities, they would have brought a government bill in. It is absolutely obvious to us that this protection of the consumer is not a priority of this government, or else tonight we would be standing here discussing a government bill.

This type of housing, in land-lease communities, is a very desirable alternative form of housing. For the most part, land-lease community developments are affordable, and for the most part in this province they are beautifully designed, they are well managed and the people who live there are very happy. Also for the most part, it is older people who are close to retirement, maybe in retirement, who choose this style of living environment.

It is new in terms of the scope of opportunity that land-lease developments give to the people of our province and it is growing as an industry. In fact, at the University of Guelph we had ground-breaking, I think within the last two or three weeks, for a brand-new project where the houses are not even mobile or modular. They are fixed structures, but they are in what is known as a land-lease community.

This is great. It is wonderful that these opportunities are available to the people of this province, but these people need protection under law. They do not need a private member's bill that, to use the words of a resident of the riding of the MPP for Middlesex, Mr Alex Mitchell, who is the past president of the Twin Elms Tenants' Association in Strathroy, was "a Band-Aid solution."

Someone else who had a comment on this bill was the executive director of the London and Area Tenant Federation, Mr Leo Bouillon. As the executive director of a tenant federation he is of course very familiar with the concerns of tenants. He described this bill as being "narrow in scope."

In spite of the misleading information that has been attempted to be funnelled out around this province about what our concern was, I think it's important to place on

the record that our concern has been, from the beginning, that it should be a government bill, not a Band-Aid solution and not a bill with a narrow scope, to use the tenants' own words.

It's as important to have a statute in this province to protect people who buy mobile homes and modular homes and invest in land-lease communities, and who rent lots in mobile trailer parks and developments, as it is to protect those people in this province who invest in condominiums.

When condominiums were a new form of housing in this province, were an alternative to traditional apartment buildings and other forms of traditional housing, when condominiums first started to be built in Ontario and tremendous investments were made in those condominium developments, the government of the day, namely, the Progressive Conservative government, brought in a government bill. They did not bring in a private member's bill to hide behind. They brought in a government bill to protect condominium investors in this province, and that's how we had the Condominium Act.

The Condominium Act itself has needed revision and amendments. We are still waiting, as we have for the last seven years, as a matter of fact, for the new condominium bill to be brought in. The former Liberal government promised that it would bring in amendments to the Condominium Act that would address the changes in the condominium industry. The present government has also promised to bring in a new Condominium Act, which is very much needed because the condominium industry has grown. There are thousands of home owners today who own condominium-style homes.

2020

What we feel about this Bill 21 is that it must also be a government bill, because without it being a government bill, it does not go through the full process that government legislation goes through. In fact, one of the aspects of this bill that has a tremendously big gap, which I asked the proponent of the bill, Mr Wessinger, to amend, was the fact that it doesn't deal with the gaps under the Planning Act. Therefore, there is no normal protection that the Planning Act would give purchasers in land-lease communities.

In an ordinary subdivision, when a developer wants to get approval from a municipality to build an ordinary, standard subdivision, that developer has to comply with the municipality's bylaws and also the provincial Planning Act. There are provisions in the Planning Act that require any development to meet municipal standards, whether they're for roads, sewers, water or landscaping. Those requirements, when they're met, mean that a plan of subdivision, when it receives its final approval, guarantees the people who move into that subdivision that their roads are built to standard, that their sewers are built to standard, and their water supply, electrical supplies, whatever else is part of the construction of that subdivision, is to a standard, which means in turn, of course, that those services are going to last.

The problem with not having that provision to protect people in land-lease communities and trailer parks is that when they are not built to that high standard, that require-

ment—it's like building anything to a building code; it guarantees a certain level of construction. The building code in this province was developed in order that when people build houses with a building permit, the permit actually—it's a funny spin on words—permits that house to be built, but it is also a certificate stating that the plans, the design and the services for that house meet a certain standard. When that standard is met by a building permit, everyone who buys that house knows it is now certified to comply with the Ontario Building Code. The Ontario Building Code is terribly important to all of us, whether we are in public buildings or private buildings, because it tells us, first of all, that the building is safe, that it's going to be heated properly, ventilated properly etc. I'm not going to go into those details.

But the problem with this bill not having that section of the Planning Act amended means there are not those requirements for those kinds of standards to be provided for people who make investments in land-lease communities.

I'm not suggesting for a moment that there are not land-lease communities that are very well built and built to municipal standards; there's no question there are. We have some excellent land-lease communities in this province that are built to very high standards. But because it's a growing industry and a growing choice of alternative living and, as I said earlier, affordable living for thousands of Ontario residents, we have to ensure that all developments in land-lease communities meet very high standards, or else, quite frankly, what happens is that those people move in, and because it works like a condominium development where if there are roads to be repaired, sewers to be replaced, watermain to be repaired, all of these things, they all come into the communal costs, and in some cases those communal costs are shared by the tenants.

Some of these concerns actually were brought to the attention of the standing committee on general government by the Wilmot Creek Homeowners' Association. I would agree that the people I have talked to and met with from the Wilmot Creek Homeowners' Association are a very fine group of people. They made an excellent presentation to our committee, and the concerns they brought to the committee are not addressed by this bill.

One of their recommendations is as follows: "That the committee consider the need to amend section 41 of the Planning Act to provide that site plan approval control includes the authority to ensure adherence to municipal standards in the construction of roads and sewers and the provision of illumination in privately owned lands used for the site of a land-lease community for land-lease community homes." That is right out of the brief of the Wilmot Creek Homeowners' Association.

That recommendation has been totally ignored by the proponent of this bill, in spite of the fact that Mr Wessinger has brought in approximately 35 amendments. I apologize for not referring to him by his riding; it's the member for Simcoe Centre. The member for Simcoe Centre has had ample opportunity to address the concerns of the Wilmot Creek Homeowners' Association. While he has brought in 35 other amendments, for some reason he

has chosen not to do anything about a very important recommendation they made which would address the concerns I've already described about wanting their land-lease communities to be built to municipal standards.

Most of these people, as I said a few minutes ago, are in a situation in their lives where they are either retired or near retirement. They are on fixed incomes or they have chosen this type of housing earlier in their lives because they like the community, they like the style of development and they like the cost. There's a whole lot of reasons they may choose that kind of accommodation, but they also make the choice with some idea obviously about what it's going to cost them.

What the tenants at Wilmot Creek were saying was that without the amendments to the Planning Act to address the municipal standards aspect, they don't have any protection against added costs down the road by the property owner when it comes time to repair those roads, replace the watermain or repair the watermain, or do something with the sewage system.

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One of the comments that the Wilmot Creek Homeowners' Association brief said to us was: "The proposed amendments to the Planning Act will expand the act to include the designation 'land-lease community' and 'land-lease community home.' Previously the subsections governing mobile homes referred."

What they're saying here is that there were already amendments to the Planning Act.

However, the brief goes on to say, "This 'housekeeping'"—and the word "housekeeping" is in inverted commas—"action does not respond to the concerns of the tenants in Wilmot Creek with respect to the construction of roads and sewers and to the lack of proper street illumination."

They're saying to Mr Wessinger, the member for Simcoe Centre, and to their MPP, the member for Durham East, that they are not happy with the bill as they saw it. That's fair enough, because what was going on was that we were in the committee meetings of the standing committee on general government, we were in public hearings where the general government committee said to the public: "Come in and tell us what you think about this bill. Tell us what your concerns are."

The public came in and, as I said, there were some very sophisticated briefs, some very sound, constructive comments. One of the best briefs we had came the member for Durham East's riding with the tenants of the Wilmot Creek development. They asked that not only a housekeeping action be taken on the Planning Act but that protection be taken. They went on to say:

"It is recognized that municipal standards are not required for roads, sewers and lighting under site plan approval control because there is only one land owner. Also relevant is that communities with leases of less than 21 years need not seek subdivision approval under which adherence to municipal standards is required.

"However, the lack of requirement of municipal standards under site plan approval control leads to the need for more maintenance."

I want to emphasize that I am reading right out of the brief of the Wilmot Creek Homeowners' Association, which came to the committee and said, "Please make these changes." These requests were ignored by the member for Simcoe Centre. They were ignored by the member for Durham East, because he too did not move an amendment to address these concerns on behalf of his residents.

They go on to say that without this requirement, it "leads to the need for more maintenance, hence higher ongoing costs for the maintenance of roads and sewers. It is noted that it was necessary in 1991-92 to install another sewer line and this cost may have been avoided if, under site plan approval control, there was authority that permitted insistence on municipal standards.

"Also, such authority would ensure that proper illumination was provided. In Wilmot Creek illumination is provided by individual coach lamps which the tenants must keep on from dusk to dawn and for which the cost is added to individual hydro billings. The coach lamps do not provide sufficient illumination."

The Wilmot Creek tenants' association is saying to the committee, of which their member, the member for Durham East, is a member, and to the proponent of the bill, the member for Simcoe Centre, "These are the changes that we need under the Planning Act." So the next time that the member for Durham East writes a column in the paper that accuses me of hijacking the bill and delaying the bill, I hope he will be forthcoming enough to refer back to this brief from his own constituents. The reason I wanted that amendment to the Planning Act was because his constituents asked for it, and it also would give the protection to all the other people in this province who choose this kind of lifestyle.

I do not have constituents who have this form of lifestyle, so my interest in this bill is not a personal, re-election, constituent interest. My interest in this bill is for all of those people in this province, who now number in the thousands, to have the kind of protection for their investment that they need.

It's unfortunate that the member for Simcoe Centre promised there would be—to meet his own concern as identified in his letter, he agreed that one day was not sufficient hearings for the bill. I would wonder then that a day and a half would meet a requirement or a desire on his part for sufficient hearings, to use his own words.

In our opinion, a day and a half was not sufficient hearings, a day and a half was not sufficient time, and had this been a government bill, which is what we asked for, there would have been more than a day and a half of public hearings. If it had been a government bill, there would have been an opportunity to know that the government indeed was behind the changes that this private bill makes, because whoever the government is, I know it would want to give full protection to the people who make this kind of investment as a form of lifestyle accommodation.

We had a meeting involving some of the parties who are interested and affected by this bill. One of the people who attended that meeting was Ms Baker. Ms Phyllis Baker is the chair of the Ontario Owned-Home Leased-

Lot Federation. Ms Baker speaks on behalf of tenants. She is not speaking on behalf of the property owner; she is speaking on behalf of the tenant who has his home on the leased property.

She said at that meeting, "We've had a really difficult time to get municipalities to understand what kind of beast we are." That was at the point where we were discussing the fact that there has not been an identity in law for land-lease communities. What everyone wants is a government bill that once and for all recognizes land-lease communities as a protected lifestyle choice in terms of housing.

Also at that meeting, concerns were brought to the table that discussed the fact that most of the amendments to the bill and the bill itself were all related to the Landlord and Tenant Act, but the purchasers of these kinds of homes need protection under the Planning Act. We were simply saying over and over again to the member for Simcoe Centre, "if you can make the amendments to these other acts, why would you not be willing to also make the needed amendments to the Landlord and Tenant Act?"

These people need protection. They're entitled to the protection. We have no definition for the non-seasonal mobile home park under the Landlord and Tenant Act for four months' occupancy or more.

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One area of concern also has been the fact that there is a misunderstanding totally about what this bill will do. The biggest misunderstanding is that it will change anything that now governs people who are already under the Rent Control Act. A lot of the problems for the people who live in the Twin Elms development in Strathroy in the member for Middlesex's riding revolve around the Rent Control Act. Those people are in a terrible situation and their problems are that they have had rent increases, which they have appealed, and some of their rent increases, I understand from speaking to some of the tenants in Twin Elms, go back to 1989.

Because the Minister of Housing will not give the resources to her ministry to clear up the backlog of those rent appeals, these people—not only in Twin Elms but in other parks around the province—are at risk. If the decision on their rent appeal is not in their favour, they are at risk of having to pay perhaps as much as five years, as in the case of Twin Elms, in back rent increases, which for most of them would be absolutely devastating.

I think it's unfortunate that these people are being led down the garden path by being told that Bill 21 will solve their problems. Bill 21 will not do anything for their problems in terms of their rent increases that they have already started to fight and that's the problem. When the member for Middlesex writes letters to her constituents and also in the paper about the fact that the Conservatives are hijacking this bill and delaying it and therefore their problems aren't being solved, unfortunately those people think that once this bill is passed—of course, it will be passed because it's a private member's bill, not a government bill, but the private member happens to be in the government and they have a majority. But it won't solve the problem of the people in Twin

Elms who came to the meeting and talked about the fact that yes, they have problems with their property owner.

I haven't sat down at a table to listen to the problems of the Twin Elms tenants and their property owner—it's not in my riding—but I can assure you that if it was in my riding, that's the kind of meeting I would hold, because I would sit down and say, "You have a choice sometimes with back rent that's approved through the rent appeal process." If the appeal is lost by the tenants and they have to pay five years' back rent, sometimes they just have to move and the landlord doesn't end up getting his money. As a matter of fact, that happened in my own riding.

I have tenants in a high-rise apartment building in the east end of my riding who were given, unfortunately, an enormous rent increase burden. I think it was 17% on average and it was granted legally through the Rent Control Act. The rent increase was appealed and the tenants lost. I sat down with those tenants—I held a public meeting, as a matter of fact—and the landlord and people from the rent control office. Everybody was able to express their concerns at this public meeting, and the landlord came to realize that if he had half his tenants walk out of his apartment building, then he would lose that amount of income for whatever number of months until he rented those units.

It's not exactly the same in a trailer park, because we're talking about units on these properties, on these leased lots, but there is some similarity where negotiation can take place and sometimes—I don't know this landlord, so I'm not making a comment on this landlord. I'm just saying that, as an example, sometimes tenants and landlords or property owners have to sit down in the same room and negotiate a solution. But the sad thing is that this bill is not the solution. This bill is not going to address those concerns.

The one other area that is of tremendous concern to us which is not addressed in the bill is a comment that was also brought to the committee about the need for adult-only communities. This government is on record, specifically the Minister of Housing, who I presume speaks for the government through her ministry, as being opposed to adult-only communities or seniors' communities. Most of the land-lease communities and this style of development around the province are adult-only. It's a choice people make. They're at a point in their life where they want to go and live where they're not falling over bicycles and listening to loud radios and kids arguing and fighting and playing and doing all the normal things that children do. They want to live in a quieter lifestyle community.

Unfortunately, this government doesn't support that, and in fact in the buildings that this government presently owns, they've totally changed the policies so there's no longer any protection for adult-only communities, adult-only apartment buildings. I think this bill, if it was in the interests of these land-lease retirement communities, should have said something about that. It should have made a statement that accepting that the government's policy on adult-only or seniors-only communities on the one hand is this; with this bill we agree that in land-lease communities it's the choice of the communities whether

there are senior- and adult-only communities. That is another void that hasn't been addressed.

This style of home ownership, as I said before, is a great alternative, and I just wish this government felt that it was important enough to bring a bill in to address the need for protection for those people.

Where we have the bill coming into full force and effect, there may be—in fact, not "may be," there will be—a lot of leases that have to be changed. One of the changes that I personally think is very important and is a good change that this bill brings is that the landlord, the property owner, would no longer be able to have the person who's renting the property over the barrel in terms of who has first right of refusal and for what amount. In a lot of these communities at the moment, I understand, the landlord has first right of refusal of 95% of the value of the offer that's brought for the sale of that house, that mobile home. That's one of the good things this bill corrects and one of the things we fully support.

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But one of the things that this bill does not address and that I have asked a number of times now—I asked in the general government committee; I also brought it up in our informal meetings with the member for Simcoe Centre—is, where does Bill 120 impact on land-lease communities? Madam Chair, I know that you're familiar with Bill 120. It is the legislation that permits, as of right, in this province any single-family home to have an additional accessory unit. As of right, if you live in a single-family house that's detached, semidetached, row or town housing, you can have an additional unit in that building. It doesn't have to be a basement apartment, but it has become known as the "basement apartment" legislation.

One of the questions I asked was, where does Bill 120 impact on land-lease communities? The wording in Bill 120, the only exemption that's currently in Bill 120—and I have a copy of the bill here—to where people cannot have an additional living unit in their single-family home, detached, semidetached or row houses, is as follows, "exempting detached houses, semidetached houses or row houses serviced by prescribed classes of sanitary, septic or sewer system from the application of...."

In other words, everybody as of right who lives in this kind of home can have a basement apartment or an apartment on grade; it doesn't have to, as I say, be in the basement. There is no requirement in Bill 120 for the size of building in which you can have an additional unit. My concern has been that there is no protection in this private member's bill for someone who comes into these land-lease communities and buys a home—a mobile home, modular home or a fixed home—and decides that they want to have another apartment or another dwelling unit in their building.

Some of the land-lease communities are definitely serviced by a system, as it says in Bill 120, "of sanitary, septic or sewer system," but because there's no requirement for size, it wouldn't matter how small this modular home was. In fact, some of them do have basements; some of these modular homes, as we know, are built on concrete foundations and have basements underneath them. But it's quite possible, unless we have some

exemption to Bill 120, that these beautiful developments that we heard about at the committee—and some of them are well-known names because we hear them advertised all the time on the radio and television—that someone may choose to buy one of those homes and add an additional unit to it.

I asked the member for Simcoe Centre if he would please put in his private member's bill an exemption to Bill 120, so that the people who made this investment could not possibly risk having a neighbour have two families live in their single-family unit next door. But that exemption was not agreed to by the member for Simcoe Centre. That's another concern that I have. It was very interesting, because when I asked the member for Simcoe Centre about how Bill 120, the basement apartment legislation, affected land-lease communities, he couldn't answer the question. I then asked the ministry staff. They could not answer the question. In fairness, I guess it's because I'm the first person to have asked the question. No one could tell me whether Bill 120 applied to land-lease communities.

It comes back to the fact that land-lease communities do not currently have any protection as an entity. There is no statute that directs or controls land-lease communities until we get this private member's bill, 21, and then Bill 21 addresses some of the concerns, but if Bill 21 is to have been a solution for people who need the kind of protection that they need, then I simply ask, why wasn't there a willingness to add the amendments to the Planning Act that were requested and well worded by the Wilmot Creek Homeowners' Association, and why wasn't there written into the bill an exemption to Bill 120 so we may never have a risk of these beautiful developments across this province having their occupancy increased, because under Bill 120 they have a right to have another accessory unit within the building.

They may be in a municipality that might permit them to have a granny flat. Wouldn't that be a little ironic, if we've got granny living in the mobile home and we have another granny living in a granny flat on the same lot? There is no requirement for minimum lot size in the basement apartment bill, so there's no requirement that would prohibit a granny flat either. That would be up to the local municipality, and if the local municipality doesn't have any control through the Planning Act on that development, then it begs the question. There is no protection for those people who have made the investment in their mobile home park or their land-lease community.

I don't want to read into the record a lot of the concerns of the people who came before the committee because, in fairness, it would take too much time, but I have up to this point talked about concerns of some tenants' associations, and I think it's only fair to tell you that there is a federation called the Ontario Land Lease Federation, which said in its brief that in the summer and fall of 1990, which admittedly was under the Liberal government, a group of mobile home park and land-lease communities met with an interministerial liaison committee for mobile home parks and land-lease communities.

It's possible—we don't know, but it's possible—that

that meeting the Liberal government initiated may have been the beginning of a government bill to address the need for land-lease communities to have their own legislation.

But the irony is that although we know full transcripts exist of those meetings, we couldn't get them. I asked the member for Simcoe Centre, Mr Wessinger, if he could get them, or whether he had them, and he said that he had been told he would have to access them through the freedom of information act. It seems a little bit ridiculous when something is in the common interests of so many thousands of people that you can't get that information out of the government without going through the freedom of information act.

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I think that the concern of the Ontario Land Lease Federation about this bill, in fairness, is a legitimate concern. They were asked to be part of an interministerial liaison committee that met four years ago. They have not seen any progress on legislation to protect them in those four years. Now what do we get? We get, frankly, a Mickey Mouse private member's bill.

It's unfortunate that this is the form it's in, because no matter whether there are some parts in this bill that I've said we agree with, that are needed, there are still so many gaps that if it really was the intent of the government to protect these people, the gaps would not have existed. If it really was the intent of the proponent of this bill to address the needs of people in these land-lease communities, and thereby protecting their investments, the amendments would have been made to his bill. If he brought in 35 amendments and still didn't bring in the much-needed amendments, then we have to wonder why.

We asked actually at the meeting with all the people who had an interest in this bill, and I think it's important to say who was at this meeting because there certainly was a desire to have this bill address their concerns or to pull this bill and have the government bring in a bill, "Why can't the government bring in a bill quickly to address these concerns?" It wasn't as though they were items that hadn't been known for four years were of concern. We were told, "Well, there wasn't time." The government couldn't do it in that amount of time.

It's ironical because when this government has a will, it will bring in a bill quickly. It will even bring in a bill and request three readings in one day if it has the desire and if it's a priority. We dealt, two or three weeks ago, with a very controversial bill in this House, and that bill was voted on for second reading within two weeks of it being tabled in this House. It was bang, bang, bang. It was drafted, voted on—voted on twice, as a matter of fact: first and second reading. That bill was a priority of the government. If the protection of people in land-lease communities and mobile home parks in this province were a priority of this government, it would have brought in its own bill to protect those people.

Although we asked at that meeting, and I had also asked previously, that the bill be withdrawn—frankly, sometimes it's worse to pass something where there's a lack of consultation. Certainly, before this private Bill 21 was drafted there wasn't any consultation, and where it

has an impact on so many people's investments we felt that in fairness to those people, there should have been a lot of consultation so that the bill, as drafted, would address those concerns.

There are people in this province who are in a very difficult situation because they are facing eviction, are facing high rent increases for their leased lots, and some of those problems will never be addressed by this bill.

Then the worst aspect of the bill totally is that it lumps everybody in together. We've got seasonal trailer parks in this province that were designed, built and functioned as seasonal trailer parks. They had washrooms and laundry facilities, showers and so forth that were for seasonal use, not year-round use. The plumbing was not designed for winter use. Some of those seasonal trailer parks are now year-round trailer parks, and there are a lot of tenants in those parks who are being totally ripped off, because they're paying rent for a year-round trailer park that is a seasonal park in terms of its facilities. This bill will not do anything to correct that problem.

We also have property owners who lease lots to mobile home owners in this province in mobile home parks that are outrageous in how they deal with those people, and what is absolutely unforgivable is that because a lot of those people, as I said earlier, are elderly, on fixed incomes and so forth, they become very vulnerable. They're at the whim of the property owner. This private member's bill doesn't correct that.

There's nothing in this private member's bill that deals with a mobile home park or a seasonal trailer park any differently than a land-lease community. That is the biggest weakness of the bill. We actually have three different entities here and any one of the members in this House who would go to visit any of these communities knows very well that a land-lease community is very different from a seasonal trailer park that has become a year-round trailer park and a mobile home park. People who live in mobile home parks are insulted that they are being grouped into a legislative bill, a private member's bill, with regular trailer parks.

There are problems that exist in trailer parks for both the park owner and the tenants. This bill does not resolve it. There are problems in some mobile home parks that are a problem for the tenant and a problem for the park owner also. This bill does not resolve that either. Then, when you come to this wonderful new scope of opportunity for a lifestyle choice that's affordable housing in terms of land-lease retirement communities, this bill does not address their concerns either. The major concern we have with this bill is that the protection these people need, they will not get from the bill.

We have parks in this province that have been zoned as mobile home parks. We have parks in this province that exist without any appropriate zoning. There is no security for those, for either the tenants or the property owners. There has to be legislation that protects both sides. Both sides have made investments. The people who buy the property, who rent lots, have to be protected; the people who buy the real estate, namely, the structure, the building, have to be protected.

It simply makes no sense for a brand-new develop-

ment, such as the one at the University of Guelph, which is a land-lease retirement community, to be lumped into a private member's bill with trailer parks and mobile home parks. They are different structures. The one at Guelph university in no way is mobile. There's no way that you can dig up the foundations and tear down the bricks and mortar and move those buildings, yet it is covered by this legislation.

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The final concern we have, since I'm trying to abbreviate all the concerns we have, is probably as well addressed by this letter as any other. This letter is dated May 23, 1994, on the letterhead of the Ontario Owned-Home Leased-Lot Federation, over the signature of Ms Phyllis Baker. In this letter she says, in the second-last paragraph, "We sincerely hope that we will be able to work together for the protection of all investors in planned retirement communities, land-lease communities and trailer parks."

Unfortunately, because the government isn't willing to give the same protection to land-lease communities as condominium developments now have by giving these land-lease communities their own act, their own statute, their own protection in law, we will end up going forward with Bill 21, as I have said, in its present form, when there was in fact an opportunity for this government to recognize once and for all that land-lease retirement communities are different and must be protected in law for their differences.

There is a section of this bill that deals with bringing these communities under the Rental Housing Protection Act. The sad part about the Rental Housing Protection Act—perhaps I may leave my comments on that until we get to that section, in fairness, but briefly to say that if the property owner does not have a choice down the road 20 years from now or 30 years from now to change their development or what is actually on their land, we will not have people willing to build these land-lease communities. The sad part of that, as I've said, is that it will remove that choice, that opportunity that is desired now by thousands of people who find this kind of affordable housing-adult community setting, all the services provided for them, very desirable.

Their investment must be protected. Their communities must be built to municipal standards, the same as any other home in any other subdivision in any municipality in this province. There must be an option where, if changes need to be made, realistically that option is there, or else we will not have people investing in this kind of development in the first place. Since it is a growing industry, it speaks for itself in terms of the market desire. There is a market desire, and it's unfortunate that Bill 21 stands in the name of Mr Wessenger as a private member's bill.

Mr Gordon Mills (Durham East): Mr Wessenger?

Mrs Marland: That is the name on the bill.

We simply say that there are two areas in the bill that we feel are a help and a compromise. The one on signage particularly is a compromise between the tenants and the property owner. I think some progress has been made by

that, but it's the gaps that I've already identified in the bill that give us the most concern. In talking about the section that is on the floor now, we have to state that our concerns are as I have put on the record.

The Second Deputy Chair (Mr Noble Villeneuve): Further debate on Bill 21?

Shall sections 1 and 2 stand as part of the bill?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. I declare sections 1 and 2 of the bill carried.

We have an amendment to section 3 of the bill, the Progressive Conservative Party.

Mrs Marland: Section 3 of the bill, section 80 of the Landlord and Tenant Act:

I move that subsection 80(3) of the Landlord and Tenant Act, as set out in section 3 of the bill, be struck out and the following substituted:

"(3) Despite subsection (2) and except where otherwise expressly provided in this part, this part applies to tenancies under tenancy agreements for possession of land intended and used as a site for a land-lease community home used for residential purposes entered into on or after that day."

To speak briefly, I would like to say that this section is against the retroactivity, which means that existing tenancy agreements should be grandfathered in our opinion. Because these agreements were entered into by both parties under the exigencies of the previous section of the Landlord and Tenant Act, new agreements will cause potential misunderstanding and confusion as to rights and obligations in the land-lease community.

The natural turnover of tenants will bring new legislation on line gradually, and so they will apply under this new bill. The development of new land-lease communities will be entered into under the new agreement.

We are concerned that if these leases have to be changed in the middle of the lease, there will be a tremendous cost in terms of legal fees for the people who live in those communities, because they now will have to sign new leases.

Mr Wessenger: We'll be opposing this amendment because what in effect it would do is allow the provisions of rental agreements and leases to continue in effect into the future, and that would be contrary to the whole provisions of the Landlord and Tenant Act, which is to apply to all tenancies; all tenancies should be treated equally from the moment the bill is passed.

Mrs Marland: I'm disappointed the government isn't supporting this amendment, because obviously the original leases were entered into with the support of both parties. The people who entered into those leases made that choice. They made an agreement that everything in the lease was acceptable to them. We're simply saying that the option for them to stay with their present lease is now being removed, so they'll have to hire a lawyer, look at the new lease and adapt the provisions of this bill, and they may not want to. They may be perfectly happy with their existing leases.

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The Second Deputy Chair: Further debate? Seeing none, the question shall now be put.

Will Mrs Marland's amendment to section 3 of the bill carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the amendment lost.

Shall section 3 of the bill stand as part of the bill? Agreed.

Shall sections 4 through 10 stand as part of Bill 21? Agreed.

We now have an amendment to section 11.

Mrs Marland: Was it noted that I agreed to that?

Mr Paul Klopp (Huron): Yes, we noted it.

The Second Deputy Chair: The honourable member for Mississauga South, I believe, has the amendment to section 11.

Mrs Marland: I move that subsection 125.1(2) of the Landlord and Tenant Act, as set out in section 11 of the bill, be struck out and the following substituted:

"125.1(2) Despite subsection (1), any provision described in subsection (1) contained in a tenancy agreement shall be automatically amended so that the terms in clause 125.1(1)(a) and 125.1(1)(b) of the act are part of the tenancy agreement."

I recognize that we have a problem tonight because, as I mentioned earlier, the reprinted bill came to us yesterday morning and the amendments—this is again, I guess, the problem of it being a private member's bill. I recognize that Mr Wessenger, the member for Simcoe Centre, is looking at these amendments for the first time because we could not get our amendments drafted until we saw the final printing of the bill, which we received yesterday morning, so we're in a time bind here.

I'd like to explain to Mr Wessenger that the reason I place this amendment is that subsection 125.1(2) of the Landlord and Tenant Act, as set out in his Bill 21, will void any existing first-right-of-refusal clause that does not meet the new rules. It means that, in some land-lease communities, existing leases will not have any first-right-of-refusal clause.

I do not believe it was the government's intention to void completely the first-right-of-refusal clauses. The government used too broad a paintbrush to ensure that landlords purchase at 100% of the value of the offer and this amendment will compensate for this overcorrection.

We agree that a mobile home owner, the real property owner, the owner of the home, should have 100% of the value of their offer, but what we're saying simply in this amendment is that some of those land-lease communities' existing leases, after his bill, will not have any first-right-of-refusal clause and that would be unfair because it would create an inequity, and that's the concern we're addressing.

The Second Deputy Chair: Further debate? Seeing none, Mrs Marland has moved an amendment to section

11. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

I declare the motion lost.

We have further amendments to section 11.

Mrs Marland: On section 11, section 125.2 of the Landlord and Tenant Act—are you accepting this as an amendment, because the wording here says that I would have to vote against the section as set out in the bill. So it may not be in order.

The Second Deputy Chair: The motion I believe possibly is out of order. Therefore, you are dropping the amendment?

Mrs Marland: Maybe in fairness I should just say we're dealing with the issue of advertising for the sale of the property of the tenant; in other words, signage. Section 125.2 of the Landlord and Tenant Act does not address the fact that there is a variety of types of land-lease communities. I guess this points out again the fact that this bill has not looked at the full scope of the act.

As the executive director of the London tenants' association said, the bill has a narrow scope. I guess this is where we get into a problem, because section 125.2 of the Landlord and Tenant Act does not address the fact that there is a variety of types of land-lease communities: for instance, family, retirement, country club, corporation-owned, family-owned, large and small. Each has its own character. Problems develop when a general rule is applied to all.

Some land owners rely on resale income to keep in operation, as the Rent Control Act has greatly restricted the revenue needed to maintain the infrastructure. Already the Ministry of Housing is aware of over 20 land-lease communities which are in trouble because of lack of rent revenues for necessary repairs. If communities go under, not just the land owner suffers; the tenants also lose their homes. That's what we are concerned about.

Existing communities attracted tenants with their existing rules. Some communities agreed to no "For Sale" signs. That's a fact. In some communities their agreements say there will be no "For Sale" signs. I believe that the communities, both land owners and home owners, should be left to work out their own agreements with respect to signage, as they do for a number of other areas. That is the reason I'm recommending that we vote against the section as now printed in the bill.

The basic problem, to be brief, is that this is dealing with everything that falls under the bill. Everything isn't the same that falls under the bill. There are people who are very happy with some of the agreements that are in existence for them as tenants. As I say, some of them already agree that there will be no signs.

The Second Deputy Chair: The motion, to be in order, would read as follows:

Mrs Marland moves that section 125.2 be struck from section 11 of the bill.

It is now in order. Further debate? Would Mrs Marland move that—

Mrs Marland: No, we are on the next one, I think. The first one was—

The Second Deputy Chair: We're talking here about section 125 in section 11. This would be striking out section 125.2 from section 11 of the bill. Could you please move that particular amendment?

Mrs Marland: Certainly. I move that subparagraph 125.2(2)(ii) of the Landlord and Tenant Act, as set out in section 11 of the bill, be struck out and the following substituted:

"125.2(2)(ii) a prohibition on the placing of 'for sale' signs has been accepted by a majority of the directors of the tenant association that represents the majority of tenants through a vote that shall occur no more frequently than once a year; and."

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I feel that it has to be the decision of the tenants where there is an alternative method of advertising a sale. I think it's got to be the choice of the tenants about how a sale of their real property, their building, is advertised. One of the things we learned in the public hearings is that in cases where there is more than one tenant association—for instance, Kenron Estates in Belleville has more than one tenant association, and the amendment that I am proposing would simply recognize the tenant association that represents the majority of home owners. I think that would be fair because that would be democratic.

The Second Deputy Chair: Further debate? No further debate? Are we ready for the question, Mrs Marland's amendment to section 11, as described?

All those in favour of Mrs Marland's amendment, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

I declare the amendment lost.

Further amendments to section 11?

Shall section 11 of the bill carry? Agreed.

Shall sections 12 through 15 of the bill carry as in the bill, without amendments? Agreed.

We have an amendment to sections 16 through 24. The member for Mississauga South.

Mrs Marland: Sections 16 to 24: This is the section that deals with the Rental Housing Protection Act.

The Second Deputy Chair: Would the honourable member please read her amendment.

Mrs Marland: I recommend that we vote against section 16.

The Second Deputy Chair: Possibly the honourable member could simply vote against these as they are presented.

Mrs Marland: Yes, I could, but does that give me an opportunity to speak to them?

The Second Deputy Chair: You may now address them.

Mrs Marland: Our concern, of course, is that we do not agree that land-lease communities should be covered under the Rental Housing Protection Act, and we recognize that we can't recommend that the sections be

removed, so our only option is to vote against them.

The Rental Housing Protection Act, on the surface, sounds like it is a solution in some situations, but when you really look into it, it actually violates some rights. In existing communities the land owners made an investment decision under different rules—for example, there was no Rental Housing Protection Act—and we just feel that it's not fair to change the rules after the fact.

The Rental Housing Protection Act violates the land owners' property rights. As we keep saying, there are property rights on both sides that should be protected. You can't just protect the rights on one side and not another.

If this bill had been a government bill and time had been taken to draft it and have public input, I'm quite sure that a government bill could've been drafted to address equity of property rights for both kinds of property owners, both the people who own the houses and the people who own the lands.

As I said earlier, if we're looking at new communities that will now come under the Rental Housing Protection Act, how likely is someone to establish a land-lease community knowing that if they want to sell the property or retire a prospective buyer could not convert that property to another use unless the local government approved the conversion? If there is a possibility of not being able to sell or retire, people are definitely going to think twice about establishing land-lease communities.

We think this is a tremendous pity because we think that land-lease communities are a wonderful source of affordable rental housing and a great choice of lifestyle in terms of their environment.

Our concern about the Rental Housing Protection Act is that it's not fair to both investors, and there could have been a way of addressing this that would've given protection to the home owners who went in to that land-lease community whereby the land owner couldn't suddenly decide he's going to turn around, put all the home owners off and build high-rise apartments or whatever land use he wanted to apply for.

There has to be protection for the people who buy their homes in these communities, but there also has to be protection in fairness to the people who own the property as well. This section of the bill simply doesn't do that.

It is very one-sided and, in the long run, it is going to be the home owners who will lose because there will not be a lot more of these land-lease communities developed around the province, and then everybody loses. We really do regret that.

The Second Deputy Chair: Mrs Marland recommends voting against sections 16 to 24 of the bill. Is it the pleasure of the House that Mrs Marland's amendment carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

I declare the motion lost.

Shall sections 16 to 24 stand as part of the bill?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Shall sections 25 and 26 of the bill stand without amendments?

Mrs Marland: I think there's an amendment to section 19.

The Second Deputy Chair: I believe those sections have already carried in that we dealt with 16 to 24 on the previous amendment and it was defeated.

Mrs Marland: Do you have my amendment to section 19?

The Second Deputy Chair: The previous amendment that we discussed was carrying 16 to 24.

Mrs Marland: That may have been an error because there is an amendment before you for section 19.

The Second Deputy Chair: Do we have unanimous consent to reopen section 19?

Mr Wessinger: What is the amendment?

The Second Deputy Chair: There is an amendment except that the previous amendment that we dealt with recommended voting against sections 16 to 24, and that was defeated. Sections 16 to 24 were then carried.

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I have a request. Do we have unanimous consent to reopen section 19? Agreed?

Mr Wessinger: A request of the Chair: If I might have a chance to see what—if it is a legitimate amendment, I certainly would, but if it's just—

Mr Mills: Have to have a look at it first.

Mr Wessinger: Yes. I'd just like to make sure it is an amendment, Mr Chair.

Interjection.

The Second Deputy Chair: It's in the package.

Mrs Marland: I apologize if it's not in the package of amendments.

Mr Wessinger: Okay. I would be prepared to reopen section 19, because it is an amendment to this section.

The Second Deputy Chair: Do we have unanimous agreement? Agreed. The honourable member for Mississauga South, please move your amendment.

Mrs Marland: I move that section 4 of the Rental Housing Protection Act, as set out in clause 19(1.2)(b) of the bill, be amended by adding the following:

"19(1.2)(b)i a tenant is in possession of a rental unit and permanent vacant possession of the rental unit would be required; or

"19(1.2)(b)ii the repair or renovation is so extensive that if any vacant rental unit affected by the repair or renovation were occupied, permanent vacant possession would be required."

I apologize to Mr Wessinger if this amendment was not in the package of amendments he received. However, the table had it, so I think it was all our errors that we didn't move it in the sections we were voting on.

The issue here is the ability to do infrastructure repairs. I think infrastructure repairs obviously are terribly important to everybody in these land-lease communities

or these mobile home parks.

Clause 19(1.2)(b) of the bill states that a repair to infrastructure, for example, a watermain, could not be done if it required a home owner to move out, even temporarily, for the repair unless the repair is approved by the local council.

I think the member for Simcoe Centre and the member for Durham East, who both have these kinds of developments in their ridings, will understand how very important this amendment is. Obviously, this could lead to serious problems if major infrastructure work needs to be done during the summertime, when many councils, especially in rural areas, do not meet for two months. In other words, if there's a big watermain problem, and you've got to get approval from the local council—

Interjection.

Mrs Marland: If the Minister of Agriculture can tell me that all local councils meet every two weeks all through the summer throughout the province, that will certainly be a revelation.

The concern is that the whole land-lease community could be adversely affected if this bill goes through with the present wording. Where a major repair to infrastructure cannot be done if it required the home owner to move out temporarily unless that repair is approved by the local council, we're simply saying: "Let's be realistic here. Are you going to have the whole land-lease community or the whole mobile home park without water because you can't get the approval of the local council?"

My amendment would correct the situation by applying the need for municipal approval only in cases where the repair work is so extensive that it would require permanent vacant possession of the rental unit. I mean, who's going to want to stay in their rental unit if they don't have water? It's a very straightforward amendment, and it certainly is in the interests of the tenants.

I think it is a commonsense amendment and I hope the government will understand this amendment, because without it, it means that a whole development, a whole community, could be without, for example, water supply or sewage, if they have their own sewage treatment system, and if they can't do that repair while somebody is in the home, they won't be able to get it done. It's not saying that we're going to have somebody removed permanently from a rental unit; we're simply saying that where that emergency exists at least give the flexibility to the interests of the whole community.

The Second Deputy Chair: Further debate? Are we ready for the question? Mrs Marland has moved an amendment to section 19. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

I declare the amendment lost.

Shall section 19 of the bill stand as part of the bill?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Shall section 23.1 stand as part of the bill?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Shall sections 23.1, 24.1, 24.2, 25 and 26 stand as part of the bill?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Shall the title of the bill carry? Agreed.

Shall the bill be reported without amendments?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the title carried and the bill shall be reported without amendments.

Hon Tony Silipo (Minister of Community and Social Services): I move that the committee rise and report.

The Second Deputy Chair: Mr Silipo moves that the committee rise and report. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare that the committee shall rise and report.

The Acting Speaker (Mr Noble Villeneuve): The committee of the whole House begs to report one bill, without amendment, and asks for leave to sit again.

Shall the report be received and adopted?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Orders of the day.

Hon Mr Silipo: Before calling the next order, I believe that there is agreement among the House leaders that when the Speaker calls the vote on any further bills we are going to be dealing with this evening the Speaker shall see a division and shall defer the vote on those items until immediately following routine proceedings tomorrow.

The Acting Speaker: Do we have unanimous agreement to this? We have unanimous agreement. Carried.

2150

TOBACCO CONTROL ACT, 1993
LOI DE 1993 SUR LA RÉGLEMENTATION
DE L'USAGE DU TABAC

Mrs Grier moved third reading of the following bill:

Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to Regulate its Sale and Use by Others / Projet de loi 119, Loi visant à empêcher la fourniture de tabac aux jeunes et à en réglementer la

vente et l'usage par les autres.

The Acting Speaker (Mr Noble Villeneuve): Would the minister have some opening remarks?

Hon Ruth Grier (Minister of Health): I am in fact delighted to make some opening remarks and very proud to bring forward the Tobacco Control Act for third reading this evening.

This is a bill that has been a long time in coming. It has had a great deal of discussion, it has had a great deal of debate in this House and in the committees of this House, and it is a bill for which I think it is fair to say almost everyone within the health provider community of this province is very anxious to see proceed, because tobacco-related illnesses account for more than 13,000 preventable, premature deaths each year in Ontario. One in five deaths among adults in this province is attributed to tobacco use, and we now know that secondhand smoke poses a significant danger to non-smokers.

Those numbers are significant, but every number represents a life, and many of those lives are the lives of young people who became addicted to smoking at a very early age. The Addiction Research Foundation recently released two studies that show startling increases in tobacco use by young people and adults, particularly by women.

We believe that some of those increases were by students who were enabled to get smuggled tobacco and take advantage of contraband cigarettes at a time when they were flooding the school yards, the corner stores, the gas stations of this province. We also believe that the increase in smoking by women is linked to the lower cost of cigarettes, whether those cigarettes are obtained through the smuggling that prevailed or by the actions of the federal government which forced us also to lower the taxes on cigarettes and maintain those lower prices. But the fact remains that low-priced cigarettes increase the number of people who become addicted to tobacco or who maintain an already acquired addiction.

I believe, as do the doctors of this province, the community health departments of this province, the nurses of this province, the cancer society of this province, that we have to do everything we can to counter these increases in smoking, and that's why I'm so proud that we have this legislation before us this evening, because that's what this legislation is designed to do.

Last year the Premier's Council on Health, Well-being and Social Justice identified the urgent need to shift the health emphasis in this province to promoting good health and preventing disease, and this legislation will bring us closer to that goal. The Tobacco Control Act will ultimately help prevent tobacco-related diseases and deaths in Ontario, and we believe that this piece of legislation will result in wider health benefits for Ontarians than any other measure that this government could undertake, short of banning smoking altogether.

As I've said, this legislation has been a long time coming, it has been long debated, it has been long called for, and I believe there is no time to waste in enacting it. Smoking is the number one cause of preventable death in Ontario and causes five times more deaths than AIDS,

suicide and traffic accidents combined. We cannot, as legislators, stand by as tobacco claims more lives each day, and that's why we are so committed to enacting strong legislation.

The Tobacco Control Act puts Ontario at the forefront, with anti-smoking legislation that is the most comprehensive in North America. A survey released Monday by the Addiction Research Foundation shows that Ontarians are solidly behind Bill 119.

The key focus of this act is to prevent young people from taking up the deadly habit. We know that if young people can reach age 20 without smoking, odds are that they will never start, and that's why our legislation takes great pains to eliminate tobacco from places where young people gather.

We are prohibiting smoking in video and amusement arcades; we are banning cigarette vending machines, which don't discriminate about the age of buyers; we're doing what we can to take the glamour out of smoking. Our very successful advertising campaign has, I think, indicated that and been, as I've said, very effective, as well as winning awards across the continent.

With this legislation, we will make it illegal to sell or supply cigarettes or other tobacco products, like chewing tobacco, to anyone under the age of 19. What is most significant is that the vendor will be responsible for making sure that no minor can buy tobacco.

In addition, we will ban the sale of tobacco in pharmacies and other health facilities, starting on December 31, 1994. We will also prohibit the sale of tobacco products in vending machines as of December 31, 1994. We will eliminate the so-called kiddie packs by limiting the minimum pack size of cigarettes to 20 and we will allow health warnings and other health information as part of tobacco packaging. We will have the authority under this legislation to regulate cigarette packaging and we will require the retailers of tobacco to post health warnings and the fact that there is an age limit on the ability to procure tobacco on their premises.

We will enable municipalities to ban or restrict smoking in public places and workplaces and this is something that, according to the Addiction Research Foundation poll that I mentioned earlier, is supported very widely around the province. That poll showed that 90% of Ontarians support a ban on smoking in the workplace, including 85% of those people who smoke who believe we should ban smoking in the workplace. If ever there was a reason to move expeditiously on that particular action, that is one that is well supported and we believe a number of municipalities—some have already taken this action—will move in that direction.

Any law is only as good as one's ability to enforce it, and I am delighted that as part of the implementation of this legislation, we have identified funding that will help municipalities, under their public health units, provide an effective enforcement mechanism for this legislation. That mechanism, from our point of view—they will be providing the inspectors who can go in and monitor where there are complaints of sales to minors. The legislation includes fines and bans on the sale of tobacco following conviction. I think that is going to prove to be a very effective

prohibition and deterrent. We've seen significant strides in the fight against smoking over the past three decades. Between 1966 and last year, the proportion of people using tobacco declined dramatically, from about 41% of all adult Ontarians to about 25%. What is very worrying is that the trend shows serious signs of reversal with the very groups that we believe we most need to reach. A recent report by the Addiction Research Foundation indicates that over the past two years, smoking among grade 7 students has increased by 50%, to 9.4% of the students. There has also been a significant increase in adult smoking, especially among women.

We can't allow those reversals to continue, because the numbers are already far too high. Tobacco causes 80% of all lung cancers. It also accounts for other cancers, including mouth, throat, oesophagus and bladder cancer. Tobacco causes 82% of chronic lung disease, such as emphysema and chronic bronchitis, and one third of all premature deaths from heart disease. Since 1970, the rate of lung cancer in women has quadrupled, with the number of deaths expected to surpass those from breast cancer this year. Second-hand tobacco smoke has been linked to lung cancer and heart disease in non-smokers and to respiratory problems in children and infants. Ontario desperately needs this legislation because without it, it is a virtual certainty that tens of thousands of our young people will die prematurely.

2200

Our legislation complements legislation that the previous federal government enacted and the current federal government has proclaimed: The Tobacco Sales to Young Persons Act. That legislation was proclaimed in February 1994. As I said, our legislation complements it, but goes further as well.

The federal legislation raises the legal age for buying tobacco from 16 to 18. Our Tobacco Control Act will keep product out of the hands of anyone under 19, in keeping with the age of majority. That is one of the actions we took in an effort to make the act enforceable, in the belief that the majority of 19-year-olds carry cards that enable them to establish their age, and that therefore to have this legislation consistent with the drinking age would assist in the enforcement and cut down on the need for additional identification for young people.

The federal legislation prevents vending machine sales everywhere except bars and taverns. Our Tobacco Control Act bans the sale of cigarettes from all vending machines, making it harder for young people to purchase cigarettes. In Ontario, vending machines in licensed premises could include family restaurants, and the availability of cigarettes through vending machines is something that certainly increases young people's opportunities to obtain tobacco.

Recent actions by the federal government and the province of Quebec to lower tobacco taxes, as I have said, forced Ontario to follow suit, very reluctantly because this action was both against our will and against the health and economic interests of the people of Ontario, but we took it in order to curtail the dangerous and illegal trade in contraband cigarettes. The federal government took its action to prevent smuggling from the

United States into Canada. By their action, they made it an interprovincial smuggling problem and one that forced us to take action on behalf of businesses and the people of Ontario.

Make no mistake: The federal government's taxation policies on tobacco have made our job even more difficult than it was before, but we are not about to be deterred from our goal of making this a healthier province.

By 1995, we expect to eliminate tobacco sales to minors in Ontario. We will make schools smoke-free and set standards for smoke-free public places. These standards will help protect children from secondhand smoke, as well as enabling people to carry on their lives in a smoke-free environment.

By the year 2000, we want to see tobacco sales cut in half, the percentage of teenagers who smoke cut to 10% and the percentage of adult smokers to 15%. As well, we expect that all pregnant women will be non-smokers.

We're not acting alone. As I've said, the Tobacco Control Act has widespread support from both the public and health care professionals. The ministry received 240 written submissions and heard 34 oral presentations in response to the public discussion paper that was released in January 1993, and our consultations confirmed that we were on the right track in targeting the young people of this province.

We've recently had the standing committee hearings into Bill 119, and a total of 202 groups and individuals made presentations to that committee. We listened carefully, we made some amendments to the legislation and we acted to continue to put this legislation in place. Some of the amendments made to the Tobacco Control Act were moved by members of the opposition. The member for Carleton, who is here this evening, has long been an advocate of anti-tobacco legislation in this House, in opposition and when his party was in government, and we very much appreciated the efforts he made to improve and strengthen our legislation, because we believe the amendments we made have in fact improved and strengthened the legislation. I want to just review them quickly.

We moved up the date of the ban on tobacco sales in pharmacies to December 31, 1994. Pharmacists are part of the health care system, and it was the Ontario College of Pharmacists that asked us to take this action and ban the sale of tobacco in pharmacies. We want their facilities to reflect the fact that they are a very valued part of the health care system.

We've added video and amusement arcades to the base list of smoke-free public places. We will prohibit or restrict smoking in places where people routinely go, such as schools, stores, self-serve laundromats, hair-dressers, barbershops and financial institutions. We will restrict smoking in common areas of shopping malls to designated smoking areas.

As well, we're working closely with the federal government and other provinces to develop a national action plan on plain packaging. We've indicated that we do not intend to move unilaterally to put in place plain

packaging, and we are following with interest the actions that the federal government is taking to examine the potential for doing that. At the last federal-provincial meeting of ministers of health, we agreed to urge the federal government to act because we believe that movement towards plain packaging is something that has to happen on a national level.

Finally, we recognize that enforcement is essential to make our legislation work, so we are providing an additional \$2.5 million to public health departments across the province. This will pay for enforcement officers to ensure that the legislation really does keep cigarettes out of the hands of minors.

We believe, on our side of the House, that we owe it to the young people of Ontario to pass this bill into law. With this legislation, our province will be a world leader in stamping out the number one health threat in the developed world. We have an opportunity tonight—and we rarely have opportunities to do something as significant and as meaningful to hundreds of people in this province—to reduce and eliminate a health hazard that claims thousands of lives every year. We owe it to ourselves, we owe it to our children, I owe it to my grandchildren, to seize that opportunity right now. I very much appreciate the support we have had on all sides of this House for this legislation. I look forward to that tonight.

As I end this debate from my perspective, I want to say how very much I appreciate the efforts that my parliamentary assistant, the member for Durham-York, has made in advocating for this legislation, in speaking to this legislation, in carrying the debate in this House and in being in the forefront of the fight to save lives in this province.

The Acting Speaker: Questions or comments? Further debate on the third reading of Bill 119?

Mr Dalton McGuinty (Ottawa South): Let me begin by congratulating the minister on a job well done. I think this is an important bill and I look forward to seeing it made law in this province. I'm pleased to rise and speak in support of it.

I want to also indicate that I've had a personal interest in this issue for quite a while. In fact, when I was first admitted to the bar some 11 years ago, my first job, as a volunteer in fact, was to work with our non-smokers' association in Ottawa-Carleton.

Also, I introduced a bill, Bill 118, in this House. Now we're talking about Bill 119. Bill 118 was my private member's bill. I take comfort in knowing that even though it died a natural death, it has, for all intents and purposes, been incorporated into Bill 119, the minister's bill, and I'm pleased with that.

As the minister has indicated, this bill is essentially designed to attack a very serious health problem in the province, one which is entirely preventable and one which I think we all have every obligation to address.

Three thousand kids a month start smoking in the province of Ontario. The Addiction Research Foundation tells me that between 1991 and 1993, smoking for kids in grade 7 increased from 6% to 9%, and 13,000 Ontarians

die every year as a result of smoking-related illness.

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The minister made reference to some statistics earlier on. I just want to add to that. Statistics Canada in 1989 released some statistics which showed the causes of preventable death in Ontario. Causes of death related to tobacco illnesses exceed those for alcohol, suicide, traffic, falls—I assume that's accidental falls—AIDS, drugs, poisoning, drowning, homicide, fire and all others combined. Tobacco-related deaths exceed all those others combined, so obviously, if we can attack tobacco-related illnesses, we're making significant inroads in terms of dealing with some of the causes of death in this province.

There was an article which appeared in the paper just yesterday, in the *Toronto Star*, indicating some bad news. It says, "Smoking Increase the First in 30 Years." It reads:

"For the first time in three decades, tobacco use is on the increase, and women account for most of Ontario's new smokers, a survey says.

"Among women aged 18 and older, smoking soared to 25% this year from 19% in 1993." This is according to the Addiction Research Foundation.

It's probably fair to say that some of that increase is due to the decrease in the cost of cigarettes, but to be perfectly frank, I'm not sure if the federal government, and I've had time to ponder this now, really had any choice at the end of the day in terms of how it addressed this issue.

What we had on our hands was, for all intents and purposes, a revolt. Grandmothers, aunts, uncles, brothers, sisters, cousins, best friends—you name it, they were flouting the law. They were buying cigarettes illegally and thought nothing of it. When you have a tax revolt on that large a scale, we simply don't have the policing power to address that by arresting all these people, and we also didn't want to get into some of the very thorny issues associated with entering a first nations reserve and all the commensurate problems arising from that. I don't think the federal government had much choice in terms of how it addressed that problem.

I want to make a couple of comments about smoking generally. Some of these are obvious, but nevertheless I think they bear repeating.

First of all, we cannot underestimate the addictive quality of cigarettes. If you don't believe me, ask a smoker, or better still, ask a smoker if they want their kids to start smoking. I think they'll explain to you how very much they would prefer that that not happen.

The Addiction Research Foundation tells us that 75% of the people who are smoking would quit if only they could. We heard evidence during the course of our committee hearings that it was more difficult for people who were addicted both to cocaine and smoking to kick the smoking, and the same for those people who are addicted both to heroin and smoking, that it was tougher to quit the smoking than it was to break the heroin habit.

We heard from one particular health care worker who said that kids have the four I's: They feel that they're infertile, they're invulnerable, they're—I forget what the

other two are, but in any event, the long and the short of it was that they feel that they're untouchable and can't be harmed by these things.

They find at the outset that there's some attraction to smoking, so they make a conscious decision to start. It's a voluntary decision. The problem of course is that at some point the voluntariness ends, the addiction takes over, and it becomes an involuntary act. That's why it's so important and that's why I'm pleased that this bill makes inroads in terms of making it harder for young kids to start smoking.

The other thing that's important to recognize is that not only is there a real physical addiction when it comes to smoking but our society has developed its own dependency when it comes to smoking. We've got a multi-billion-dollar industry tied up in our smoking. We take about a billion dollars in taxes from smokers every year in this province. We've got tobacco farmers who rely on this industry. We've got a cigarette industry. We've got people in advertising. We've got producers. We've got people in packaging. We've got all kinds of jobs, and then we've got families dependent on those jobs and we've got employees. It's pretty hard to shake that habit, so it's not a simple matter of saying, "Well, listen, if it's that serious a health problem, why don't we ban the damn stuff?" We can't overnight, obviously, because of the dependency our society has developed for this industry.

We've been told time and time again that if somebody were to introduce this product today for the very first time, it would be illegal because it's so hazardous to health.

Just to give you an example of the dependency our province has, and I don't say this in any critical sense, in response to the federal government's decision to lower tobacco taxes the Minister of Finance released a press release, and in it he said: "Ontario stands to lose hundreds of millions of dollars a year from lower revenues if we cut our taxes." He's made it quite clear that a concern of his is not the health concern, it's the revenue concern. Again, I don't say that in any critical sense. What I am saying is that it points to the fact that it's a complicated problem and it's not just a health issue.

Obviously, the solution lies in prevention, more so than anything else, and that's why I think the most important provision in this bill is the one that makes it illegal to sell to anybody under the age of 19 years.

We also had an interesting discussion connected with whether we should be making simple possession of cigarettes a crime. It's interesting that if a police officer pulled up and there were two 14-year-olds sitting on a curb and one was sipping on a beer and the other one was smoking, the police officer could not only confiscate the beer but could arrest the youth who was drinking. On the other hand, he could do nothing with respect to the youth who was smoking, even though the statistics tell us that far more people die of smoking-related illnesses in this province than of alcohol-related illnesses.

One of the downsides of the bill is that it does not contain a treatment provision. If we focus on young people, I remember meeting Big Tom Bertrim, as he

introduced himself to me, a principal from a school up in North Bay, who said he thought it was rather ironic that the school board was prepared to fund a smoking cessation program for the staff but there were no funds available to get kids unhooked. He told me about a program they had started within the school, and it was the only one I had heard of during the course of our committee hearings which proved to be effective in any real sense of the word, and that's because that program was run by kids, particularly by kids who were smokers. The general attitude we picked up from kids who came before the committee and heard from others was that kids felt they were invulnerable to any illness caused by smoking, that they could quit most any time, and they certainly were not going to follow the advice of know-it-all adults when it came to smoking, who were smoking themselves anyway, and when the government was deriving all kinds of tax revenues from this habit.

I want to touch on a couple of the problem areas, the more controversial areas connected with Bill 119. One was vending machines, the second one was pharmacies, and the third one was the plain packaging.

With respect to the vending machines, the bill addresses that, and it has to be addressed. It didn't address it the way I thought it should be addressed, but it has to be addressed, because obviously if you make it illegal to sell to anybody under 19, those kids 14 and 15 are going to go to the nearest vending machine and attempt to purchase cigarettes there.

I think the better approach is taken by the federal government. They've got a bill they put out, proclaimed into law February 8 of this year, Bill C-111, an Act prohibiting the sale of tobacco products to persons under the age of 18. What that bill said was essentially that you can't sell cigarettes in a vending machine unless you sell them in a bar, tavern or other similar beverage room. That's the law in the province today. Even before this Bill 119 comes into effect, we've got a law governing us today that says you can't sell cigarettes in a vending machine unless you're selling them in a bar, tavern or other similar beverage room.

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They define that in their regulations to mean "where alcoholic beverages are consumed and where the sale of alcoholic beverages for consumption in the designated area constitutes a minimum of 80% of the total annual gross revenues of the beverage place." That means you've got to be in the business of selling booze. You're not in the business of selling chicken with a bit of booze on the side or something like that. It's not a restaurant operation; this is a bar or tavern.

The question I have is, what would a kid be doing in a bar or tavern anyway? If the thrust of the legislation here is to make it harder for kids to start smoking, they're not going to be in a bar or tavern anyway. But what does Bill 119 do? It goes, in my opinion, too far. It bans vending machines outright. That's overkill. That means we're going to have job losses. There's going to be no corresponding decrease in smoking and I don't think there's going to be any real decrease in accessibility for young people to cigarettes in the province of Ontario.

The federal legislation addressed the problem in an intelligent and comprehensive manner. There was no need for our bill, for the government bill, to ban vending machines outright.

That brings us to the issue of pharmacies. The government has decided to ban the sale of tobacco products in pharmacies. Many arguments were advanced to the effect that the symbolism associated with health care professionals, pharmacists, selling tobacco products was overwhelming and that there was a mixed message being sent out here and that this would confuse people, particularly younger people. They would be getting a mixed message about a pharmacist on the one hand acting as a health professional, and selling a hazardous product.

No empirical data were advanced which would corroborate that opinion. From my own personal experience, a pharmacy for me is the place where you get the soap, the shampoo, the razor blades, the diapers, where you get your Kleenex, your toilet paper, and sometimes you get a hell of a deal on chips and Coke, and from time to time, you might get a prescription filled. A lot of our pharmacies have evolved into a much broader retail operation than merely a place where they fill your prescriptions.

It's also interesting, when we talk about symbolism, that Bill 119 does not ban smoking in physicians' offices or waiting rooms. If you want to talk about symbolism, if you ask anybody in the province today who they think the primary health care provider is, who they think of, who they conjure up in their mind, I think they'd say, "I think of doctors." But we haven't banned smoking in doctors' offices. If that's not an oversight, I'm not sure what the heck is.

The other problem with pharmacies and banning the sale of cigarettes or tobacco products in pharmacies, and everybody admits this, is that it will not reduce smoking one iota. Pharmacies represent less than 1% of the retail operations in this province which sell tobacco products. There are all kinds of other locations where anybody, including young people, can go to purchase their cigarettes.

Studies were done which indicated there would be job losses, and there was of course all kinds of debate on that issue. Whenever you talk about job losses around here, the traditional argument is advanced on one side that there will be all kinds of jobs lost, and the other argument on the other side is that these are blown out of proportion and that effectively there would be hardly any job losses, if any, at the end of the day.

We know one thing for sure: There are a number of non-traditional pharmacies that have developed in the province over the past several years, pharmacies that are located within Woolco and Loblaws and those kinds of large operations. Those pharmacists will be put out of work. They are in there as a drawing card. Many of those operations don't even have prescription fees. They're there as loss-leaders to get people into the store to get their prescriptions filled and then to buy accessory products while they happen to be in the premises.

We heard from one pharmacist who worked at Woolco who told us that the size of the Woolco store was

100,000 square feet. Somebody told me that's close to the size of two football fields. There were 30 departments between his pharmacy and a section where they sold cigarettes, yet his operation is going to have to be closed down, because at the end of the day, if you're the fellow who's making decisions at Woolco and you're not making any money at the pharmacy because you're just there as a drawing card and you're making lots of money on the cigarettes, well, what you're going to do is that obviously you'll fire the pharmacist and you'll fire the people who happen to work with him. There are particular technical programs that you take at our community colleges as a pharmacist's assistant and that's what you're trained for, and you're going to be put out of work.

I don't think there's any doubt that there are going to be job losses, and the tragic thing in all this is that it's unnecessary, because it will not reduce accessibility to smoking in any real sense and it will not reduce smoking one iota.

That brings me to the other controversial aspect of Bill 119, and I am supportive of this one, and that is the provision by which, and this was through a recent amendment in our committee in clause-by-clause, the members of the committee gave authority to the government, through regulatory power, to mandate plain packaging, generic packaging.

One of the things I learned during the course of our committee hearings is that kids view a cigarette package, at least at the outset, when they're just starting to smoke, as an accessory, something that you want to be seen with, kind of like the latest shoes or belt or jeans or earrings, whatever. I think we can all remember, not that long ago in our teen years—I know it was only a couple of years ago for yourself, Mr Speaker—how vulnerable we were to peer pressure and how anxious we were to make a good impression among our friends. A package, because of its design and its attractiveness, is something that many kids want to be seen with.

While we did not hear from the so-called experts, the scientists in this field, to tell us really what kind of a role packaging plays, I'll tell you that we heard from what I would call the real experts in this: We heard from mothers and fathers and teachers and principals and health care workers who work with young people, and they told us that kids see packaging as an accessory, so we've given this government authority, through regulatory power, to enact plain-packaging laws, and I think that's a good thing.

But I would attach certain conditions which I think are reasonable and I think they're reasonably applied in terms of giving that authority. These are the conditions I would attach before this government should move forward and enact plain-packaging laws. I've got four conditions:

The first thing the government's got to do is consult, specifically with those people who would be adversely affected by this kind of regulation. They've got to talk to the people who are going to lose their jobs or potentially may lose their jobs.

The second thing the government's got to do is that it shouldn't act unless and until it receives conclusive evidence that generic packaging will work, particularly

among young people; that is, it will make it less attractive for young people to start smoking. We have not obtained conclusive evidence. We've obtained what you'd call in law *prima facie* evidence. There's kind of a case made for it, but it still should go a bit further before we act.

The third condition I would attach is that the government should act only if there's no reasonable prospect that the federal government will act. The proper jurisdiction to move on generic packaging lies at the federal level, and I would like and prefer that the feds move ahead on this before we do.

The fourth condition I would attach is that if the government has to act, because it's obtained the evidence and the feds have refused to act and it's done the proper consultation, then in those circumstances it should act in such a way as to minimize job losses wherever possible.

2230 The assumption has been made in this House and elsewhere that generic packaging equates automatically with job losses, and I'm not sure that is true. You can dictate that packaging be designed in such a way that continues to require labour-intensive activity on the part of the people employed in the packaging industry, so I'm not sure why we have to make that assumption, that we're going to have to put people out of work.

It's important too for me to bring the members of the House notice of the fact that the federal government just finished studying this issue of generic packaging. I want to quote a couple of paragraphs from the news release issued June 21, just yesterday:

"The committee takes the position that plain or generic packaging could be a reasonable step in Canada's overall strategy to reduce tobacco consumption. It therefore calls on the federal government to establish the necessary legislative framework for generic packaging. The committee suggests that actual enactment await the outcome of a government study on the subject due later this year."

That's precisely the position I am taking, and I think we stand in good stead. We have given, through Bill 119 now, government the authority to enact plain-packaging legislation should it see fit to do so. It's got the law on the books and if it needs to act, it can.

I want to read the final paragraph in this press release as well, though:

"The committee therefore cautions the federal government to exercise care in designing generic or plain packaging. In particular, the design chosen must be mindful of the need to minimize contraband, job losses in the tobacco industry and legal problems at the national and international levels."

They sound a wise note of caution in terms of a number of issues but particularly job losses, which is the one I think we're all concerned with here.

I want to conclude by saying that I think Bill 119 is good public policy. I think it will have a positive impact on smoking in the province. I think it will help to make it harder for our young people to start smoking in the first place and then subsequently find it extremely difficult to quit.

I think it's important for all of us and for the people of

Ontario to recognize that the government has, as in every other case, only a limited role to play in these matters of public policy. The people who are out there can help as well, and particularly parents, teachers and schools, who all have day-to-day access, contact and dialogue with young people. Unless and until it becomes unacceptable for young people to start smoking, they will continue to smoke.

When you look back on the drinking and driving experience we had in this province, we beefed up the laws and insurance rates went up for people who were drinking and driving, but subsequent studies have shown that the single most powerful element in reducing drinking and driving was that it became socially unacceptable to leave a party after drinking. People soon felt that pressure and altered their behaviour accordingly, and I think the same thing can be done with respect to smoking, particularly among our young people.

The Speaker (Hon David Warner): I thank the honourable member for Ottawa South for his contribution to the debate and invite questions and/or comments. Is there further debate on this bill?

Mr Robert W. Runciman (Leeds-Grenville): I appreciate this opportunity, although I was hopeful we wouldn't be at this stage in respect of the finalization of the debate on this bill. We were hoping, of course, that during the committee of the whole process we were going to have a significant opportunity to discuss a number of amendments I had tabled dealing with the generic packaging elements of this legislation, and a number of concerns that have come to our attention during the course of this debate which have not been discussed by the government or by the members of this assembly, let alone by the standing committee on social development which recommended the generic packaging amendment.

The government invoked closure last night during the committee of the whole process and debate was closed off. The government cited a precedent back in 1982. I must admit I have not had an opportunity to review that precedent, but I think it's safe to say that even though there was a Conservative government in place in 1982 when that precedent was set, I suspect the government of the day afforded considerably more time during the committee of the whole process for debate of that legislation than the NDP government has allowed in respect of Bill 119.

I'm not sure what the total time allocated in committee of the whole was. I suspect it was no more than three to four hours in total that we had to debate this significant piece of legislation and the many concerns that I have and that the member for Lanark-Renfrew has in respect to what we know will be very significant job losses in our ridings, good jobs from a clean industry, jobs that make a significant contribution to the local economies. I'll get into detail on that a little bit later.

I want to at least recognize the contribution from the Liberal member for Ottawa South, who at least had the decency, if you will, to comment on the job loss implications of the legislation. Even though he is supporting the generic packaging provisions in the legislation, he at least recognizes that there is a real possibility of significant job

losses and expressed a concern about that, even though he's going ahead and supporting the bill.

I don't find that surprising, given the history of the Liberal Party in Ontario and its close affinity with the NDP. As well, if we have to look at the history, back in 1985, Mr Speaker, which I'm sure you remember well, the NDP supported the Liberal Party in ousting the Conservative government of the day in an accord, grasping, hugging each other in a loving embrace between 1985 and 1987.

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): Then what happened?

Mr Runciman: Then what happened? Yes, they had a falling-out. But in any event, it clearly indicated that in terms of philosophy, in terms of orientation of the parties, they have no great difficulty in getting together on very significant issues. I've described the NDP as a socialist party and I think it's accurate to describe the Ontario Liberal Party as a quasi-socialist party. They're very close on many significant issues, and we certainly witnessed that from 1985 to 1987.

In terms of the generic packaging provisions of this legislation, that's another indication of the way these people think and how they can feel so comfortable with these kinds of initiatives. We're talking about Big Brother telling the people of this province that we know what's best for you, without even giving the people of the province an opportunity to be heard. That's essentially what's happened in this element of the legislation. That's my primary concern. My concern from the outset was, let's at least give the people an opportunity to be heard in respect of this particular amendment.

That has not been afforded them through the committee hearing process, because this amendment was brought in during clause-by-clause deliberation, so there was no public hearing involvement. Then when we have the opportunity to discuss it in the House, and at least, as the elected representatives, convey the concerns of our constituents, we were shut off again by the government through the invocation of closure, which does not leave our constituents and many, many people across this province much of an opportunity to have their concerns placed on the record.

I was complimenting the Liberal member for Ottawa South for at least acknowledging the concerns out there about job losses, much more so than the Minister of Health, who stood up for her opening comments here and, as I understand, made no reference whatsoever to those significant concerns—no reference whatsoever. I think that, at best, typifies the arrogance of this minister and her parliamentary assistant in the way they've dealt with this issue.

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We have tried to sit down on a number of occasions and tried to at least have our concerns understood, appreciated and recognized, and we've been turned back with every attempt. This is an ideological effort. This minister has her blinders on and she has her sheeplike followers prepared to follow her no matter what the cost may be to the economy of this province and to very small

communities which depend on these industries, families, communities which are going to lose a significant tax base as a result of these initiatives if indeed they come to fruition. But, no, she's not prepared to even acknowledge that those concerns are out there when she makes her opening comments.

I just want to put a couple of things on the record. I'm not going to speak at length, but I raised this issue last night about generic packaging. I have not taken a stand on whether generic packaging is good, bad or indifferent. I don't know. I've suggested that we need to have studies carried out to determine whether indeed it will have an impact on reducing the appeal of cigarettes to young people. I'm doubtful that it will, but I haven't taken a stand.

I was provided with this yesterday, which is a copy of packaging of cigarettes in Great Britain, which is a plain package, black and white, skull and crossbones, "Death" in large letters and on the bottom of the cigarette package, "This will seriously damage your health." It has at least four health warnings on this package.

They can hardly keep these in stock in Great Britain. The young people are buying them up like hot cakes. That's the reality of plain packaging in Great Britain apparently, and I would call that plain packaging: the skull and crossbones is identified with toxic materials throughout the world, a readily identifiable indication of toxic materials along with four health warnings on the package in a plain black-and-white package.

That's the sort of thing that we didn't have the opportunity to discuss: no feedback, no discussion with the parliamentary assistant or other members of the government in respect to this sort of thing that is occurring in another jurisdiction and is having quite the opposite effect of what the government is suggesting is going to happen if we move to plain packaging in this province or in this country.

Another element that I thought was interesting, and we're not going to be able to discuss this either with this cutoff in debate, is a study that was carried out by a firm called Lindquist Avey Macdonald Baskerville, a forensic and investigative accounting firm. It looked at the question of counterfeiting of the tobacco products, tobacco packages and the contraband tobacco market.

It indicated in their analysis of what they call copycat cigarettes that the tar content was much higher than in genuine cigarettes. The filters were not as effective. The content of carbon monoxide and nicotine was significantly higher than in the products that are legitimate tobacco products in this province and in this country, which have to report their levels of tar nicotine and carbon monoxide to Health Canada on a quarterly basis. Those facts are contained in average percentages printed on the package face.

So what one element of this in fact is essentially saying is that by going to plain packaging, what we do is allow the cigarette package to be that much more easily counterfeited, and then if you have a counterfeit package, you have a product which is not subjected to the same rigorous testing that the legitimate product is subjected to currently. So what you're doing is putting on the market

a much more dangerous product in terms of health risk than what is currently the case, where legitimate producers are subjected to rigid testing and reporting through Health Canada, and those results are on the package of legitimate cigarettes.

I think that is a very valid concern that should be raised, discussed and thoroughly investigated. But what's this government's response? We get absolutely no response. We've had no opportunity to even take a look at the study and look at the implications as they relate to plain packaging of cigarette products.

The other element of this, of course, is that organized crime, which is very heavily into smuggling and a variety of things, weapons, as we know, which is a major concern—we've seen it in the cigarette-smuggling area, we've seen it in contraband liquor products coming across the border. What we're going to see here is organized crime smiling from ear to ear if we move to plain packaging of cigarettes. They're going to be into this business in a big way; I can guarantee it.

We're going to have a cheap product coming in here which is going to pose significant hazards to the health of young people, who are going to continue to smoke—to what degree we do not know, but they're going to continue to smoke—and we're also increasing the proceeds of crime and opening up a new avenue for organized crime in this country or in this province, in any event.

I'm simply going to remind the minister and the House of the job loss implications and then I'm going to sit down. I know my colleague from Lanark-Renfrew wants to put some of those concerns on the record as well. But in Brockville alone, a move to plain packaging will result in the loss of 220-some jobs at Shorewood Packaging. These are direct job losses; I'm not talking about indirect job losses. At Kromacorp Inc in Prescott, Ontario, a specialty ink manufacturing firm, we could see something like 60 to 70 direct job losses.

Those are just in my riding. I'm not talking about all of the other firms and businesses that will be impacted upon right across this province, but the speculation is that direct job loss could approach 2,000 people right across the province.

I want to mention that Shorewood Packaging in Brockville has an annual payroll of \$10.7 million. It contributes \$320,000 in taxes each year to the city. That accounts for almost one full per cent of the city's total annual budget.

What we're talking about here are real people with real families who make real contributions to their communities. They are very much concerned about the implications of this one element of this legislation, very much concerned about their futures. They have not even been afforded the opportunity to be heard. We have this very cold, arrogant approach by this government, especially this Minister of Health, in respect to this matter.

I've simply asked to have this one element sent back for public hearings for two weeks. Her parliamentary assistant says this cannot become reality for at least five years, so why the rush? Why the headlong rush to do

this? We've never had a satisfactory explanation, certainly not for the people and the families and the communities that are going to be impacted upon by this in such a negative way.

Finally, I want to say there has been an effort to attack Mr Jordan, myself and our leader, Mr Harris, by the government and by some lobbying groups in respect to this matter, suggesting that in some way, by opposing this legislation, we are going to be complicit in the deaths of young people in our own communities in this province.

That's very regrettable. It has been a clear attempt by lobbyists in this province to try and intimidate elected members of this Legislature, a clear effort to try and intimidate us by the use of significant sums, some of which come from the taxpayers: very offensive efforts, and certainly they've had no impact on Mr Jordan, myself or Mr Harris.

I want to say the one element of this, of course, that concerns me is again that most of us have been strongly supportive of the bulk of the elements of Bill 119. The member for Carleton, Mr Sterling, has perhaps been the leader in this province, if not this country, in pushing forward initiatives that are going to see a significant reduction in smoking in this province. Certainly I have taken those kinds of stands in the past as an elected official, and I know Mr Jordan feels strongly about this as well. So we were deeply offended by the efforts to try and suggest in some way that in expressing the concerns of our constituents who are going to lose their jobs, we were in some way complicit in future deaths of young people in this province. I'm deeply offended by that.

I'm going to sit down. I think we've spent what we can in terms of time on this issue and getting our views out. Obviously, the government is not going to show any flexibility. Again, hopefully with the election of a new government some time in 1995, this whole initiative will be reviewed with a view to protecting jobs in the province of Ontario. Certainly the Mike Harris Conservatives, if we form the next government, are very clearly going to be concerned about job loss and the implications of any kind of legislation like this which would impact negatively upon the economy of the province of Ontario.

We have to look at the balance in this. We have to have clear and convincing evidence that there is a health benefit to be achieved by moving in this direction if indeed we're going to significantly harm the economy of many of our communities.

Thank you for the opportunity, Mr Speaker.

2250

The Speaker: I thank the honourable member for Leeds-Grenville for his contribution to the debate, and invite any questions and/or comments. Is there further debate?

Mr Larry O'Connor (Durham-York): To speak briefly on this bill, I think it's one that has received about as much support from a Legislative Assembly as is possible. There are some concerns that my colleagues present, and for the viewers at home, I want to reassure them that they have concerns, but the intent of the law to keep young people from taking up the deadly habit of

smoking is one that they still support.

As we went through the committee hearing process, there was a whole number of people who came forth, and I want to take this opportunity to try to thank them the best way I can: the Canadian Cancer Society, the Heart and Stroke Foundation, the Lung Association, not only at the local offices, because we heard from all of them, but the provincial offices. We heard from public health units and as we went through this process, it was warming to know that there were so many people out there that we were working together with.

It's not just a government going out there saying, "Here's a bill and it's going to save a lot of lives;" it's knowing that there's a lot of work going on out in the community. It was little notes like this one here that was attached to a petition that was forwarded to me. It's from York region, Working Towards a Smoke-Free York Region. There's a little note on here and it says: "Hi, Larry. Happy World No Tobacco Day."

It's that sense of everybody being involved in this that really added to the sense that we're not alone in government doing this or my colleagues across the floor, that there's a larger part of all of this. We heard from inter-agency councils, from health professionals, from pharmacists in support of Bill 119, from the Non-Smokers' Rights Association, the Ontario Campaign for Action on Tobacco and, as we heard from them, they represented about as broad a range as you could ever hope to hear from. All these people came forward making their presentations, adding their support because we don't want to see our young people being addicted to this deadly disease.

There were parts of it of course that were controversial. The pharmacy issue was one of controversy, I'll admit that. But one of the most rewarding things, as we went through that process, was hearing from the young pharmacists who were going to university, about to graduate to enter into a field of health care profession. They felt that the reason they were taking this education was so they could be health care professionals. When they came in support and we heard from the college requesting action in this area, it really felt good knowing that the young people had the support they required.

We heard from some pharmacists who thought, "We've got a marketing problem here, and this is going to cost us a few bucks." Then we heard from pharmacists who said: "We went through this process. We were able to take tobacco off our shelves and no longer sell it." Some of them admitted there was a bit of a loss. Some of them said they did it because they were able to cope in a fashion that recognized that "We're health care professionals. We can offer alternatives."

As we went through this, I found it probably the most rewarding process that I've gone through as a legislator, because of the support we all had, and because as went around the province to Thunder Bay and to Ottawa, we heard from people, presentation after presentation, that it's important to go out there and send out strong messages. In fact, if there was anything, by the time we finished our committee hearings, the committee itself was ready to just about ban everything everywhere, and then

we realized as legislators there had to be some balance in this.

One of the important processes that needs to be part of this, that's part of the overall tobacco control strategy, is the public education component to it. The minister talked about the \$2.5 billion. This legislation is tough. It's the toughest in North America, and I think we should all be proud of that. The fines that are part of this—they need to know that they're going to be fined \$2,000 or maybe \$5,000 or \$10,000, up to \$50,000; a corporation up to \$300,000. So there is a public education process that is necessary.

The funding's in place. The money's flowing out there. We're equipping the public health units to go out there and do that so the vendors can be responsible about the sale that they do. They're going to sell the tobacco products to people out there now, but we can't just rely on that alone.

It's the young people, when we take a look at this overall strategy. The Ministry of Health has actually got a very good program under way right now. We've heard the radio ads. Here's a print ad, "Remember, when your child has this decision to make"—whether they are going to have their first cigarette—"you won't be there." So when you sit down with your child after they've had their first one, how do you talk it out with the children? That's exactly what the ministry's put out. They've put out a booklet, Talk it Out, and it brings out ways that parents can communicate with their children about this habit.

Even if the parent is a smoker, the child will listen, if the parent approaches them and has a serious conversation with them, and they should. They should sit down and relate. The minister recognizes that's a challenge, and we've offered some support there.

There's just one other point that I want to touch on. My colleagues from the third party talk about the job loss. I don't think for a moment that they don't feel it's genuine. I don't happen to agree, but I feel they think that's genuine. But the intention that they have—they still support the fact that we want to keep young people from starting to smoke, and I appreciate that.

I want to reassure people that the Canadian Cancer Society undertook a study and they asked teenagers: "What about the decisions? What made you start smoking? Was packaging part of it?" The kids said yes. It wasn't just a study done here in Canada. There were studies done in Australia, there were studies done in New Zealand. When Ontario undertook this research, we went right to them and we learned how important smoking is.

It's that badge. A certain brand of cigarettes means you're a sporty type of person; another one means you're a little bit classier. They identified that. That was part of those studies. The University of Toronto, the centre for health promotion, has a study under way right now. The results are due in 1995. So there are studies under way. There are studies that have been completed. There are more studies that are going to take place.

We've got a commitment by the federal government that it is going to move forward in this direction. Sure, they are going to do some research, because just as my

colleagues raised their concerns, of course the federal government is going to take a look at those concerns. Those concerns they raise are concerns that you can't just throw away.

When we decided as a province that we want to be part of that overall commitment, we're going to join the national government, the federal government of Canada, along with the other provinces, we wanted to make sure that our legislative framework was intact so we can move forward right in step with the federal government on plain packaging. It's important that we do that.

Mr Speaker, I want to tell you how long this legislative process is. It's not something that just happens overnight. There was the discussion paper that was put out in January 1993. Over 240 people wrote presentations in, 34 oral presentations. We then went through a political process where we decided as a government, yes, this is important that we try to keep young people from starting. Then we went through another legislative process through committee hearings. So it's not a process that happens overnight.

To throw that section out I think would be a colossal waste of time and energy. Considering we heard from so many people making presentations that this should be part of the legislation, I think it would be a colossal waste. I think it would be saying something to all those people who came to us and made those presentations that, "Well, we listened, but we're really not sure whether we want to do it now." I think we have to keep it intact, keep that legislative framework intact, and that's our intention.

2300

I don't disagree with my colleagues that they have some genuine concerns, but the concern that they also have and that I'm assured they certainly have, is that we need to protect our young people. We need to keep young people from taking up the habit that eventually kills 13,000 Ontarians every year.

With that, I'm going to close. I appreciate all the support that I've received from all members of the Legislature on this very important ground-breaking piece of legislation.

Mr Drummond White (Durham Centre): I'd like to commend my friend the member for Durham-York on his excellent work on this bill and of course on the very points that he makes. I think it is true to say that when one has the opportunity to take part in such ground-breaking legislation, legislation that serves all of us and our future, our children, to create a healthier environment, one can feel that one is making a significant contribution to one's entire community. My friend, in his hard work throughout this province, has been emblematic of what is the best in our community and the best in this House and in this Legislature.

My friend talks about this issue of plain packaging, this issue of how best to deal with this issue. This is important because we're wanting to prevent people from starting to smoke, prevent youth from becoming addicted to cigarettes, from dying. If that means you don't want to have a stylish package, something which attracts people, which induces them to inscribe those packages into

tattoos or identify them with racing cars and the good life, perhaps that's a sacrifice we can all undertake.

I would suggest that my friend's concerns reflect not some private interests, some profit that might be derived from this, but rather the good wishes and the intent from decades of hard work of many, many concerned health activists in our community, and certainly the intent is to preserve the best of our community. I commend my colleague for his excellent work on this bill throughout this province and his steady stewardship of this legislation through this Legislature.

Mr David Winninger (London South): I too wanted to congratulate the member for Durham-York for the depth of his commitment to controlling tobacco consumption, and particularly tobacco consumption by minors.

I had the occasion to join the committee led by Mr O'Connor in three different places: London, Toronto and Ottawa. I recall and actually brought with me the fine submissions made by the London Council of Home and School Associations, the Heart and Stroke Foundation, the Canadian Cancer Society and the Lung Association, just to name a few of the deputations that appeared before the committee and shared with the committee their praise for this initiative taken by the Minister of Health. In fact, as I recall, in London the praise was comprehensive and unqualified.

But I was particularly struck with the comments made by a very brave pharmacist in London, Jim Semchism, who operates Ealing Pharmacy, which has been a family pharmacy for many, many years. Mr Semchism made headlines in 1986 when he was the first local pharmacist to stop selling tobacco products. Now 10 other pharmacies in London have followed his lead. The reason he stopped selling cigarettes I think was aptly stated in his brief, where he said:

"Every day I face the victims and smokers across my dispensary counter. Each parent who smokes is potentially consuming thousands of dollars of bronchodilators, anti-asthma, anti-hypertensive and cardiovascular drugs. Some are on chemotherapy as well. Most are also taking anti-ulcer medication....

"The sad part is that most of these smokers don't care about the cost of these therapies. 'My employer pays for these drugs,' they say."

The Speaker: Further questions and/or comments? The honourable member for Durham-York has up to two minutes for his reply.

Mr O'Connor: I don't think I'll need the full two minutes. I just want to thank my colleague from Durham Centre and point out that that was an example of the support we received throughout the province.

To my colleague from London South, that was the range of the debate. There was a lot of thought, a lot of time and energy put into all the submissions, and for all those submissions that were made, we listened and we made some amendments that reflected the concerns that they had. It was a wonderful opportunity that we all had as legislators to move forward the most important piece of public health legislation we have had an opportunity to move in this decade. That was just a range of what we

heard. I thank them for their accolades and offer them the opportunity to continue to go out there and work on that within their own communities.

Mr Leo Jordan (Lanark-Renfrew): I'm pleased to spend a few minutes on Bill 119.

Interjections.

The Speaker: Order. The member for Lanark-Renfrew has the floor.

Mr Sean G. Conway (Renfrew North): Too much virtue in this speech for me. I haven't heard such high-octane fluid in a long time.

The Speaker: Order.

Mr Jordan: Perhaps the member for Renfrew North is going to speak first here.

Mr Conway: I don't smoke, but I'm certainly not this pure.

Mr Jordan: I don't think the member for Renfrew North has read the material or talked to the people in Smiths Falls or Brockville—

Mr Conway: I'm here to listen, Leo.

Mr Jordan: —or to his people in Renfrew county, because if he talked to the people at the high schools in Renfrew or in Pembroke, he would soon learn that packaging is not how they learn to smoke. Perhaps, had he not rushed into the seclusion of this place so soon in life, he might have found an opportunity to find out some of these things. I challenge you yet, my friend from Renfrew North, to go out into the world and take on a payroll and find out what life is all about.

Mr Conway: Good advice.

Mr Jordan: Your youth in Renfrew county, especially the ones in Renfrew south, are the people who are saying to me: "Why don't you ask the user? Why don't you consult the user of the product? You people up there in that ivory tower seem to think you know best how to regulate our lives. You cannot legislate health. You can build a framework"—

Mr Conway: Has anybody talked to Norman Sterling?

Mr Jordan: Mr Speaker, we have these debates between here and Renfrew, but it's not usual in the House.

Mr Conway: Have they read any of Normie Sterling's speeches?

Mr Jordan: Normie Sterling has made a good framework of protection for people, but he still gives room for people to live. What's happening here is, we're being shackled, we're being handcuffed; we have no freedom to live. We have no freedom to become individuals. I'm very strong on the fact that it's through education, not legislation, that's going to be a success in bringing our youth on into life without being addicted to the cigarette.

You know, I talk to the young people in Smiths Falls. Do you realize that in grade 7 they're smoking—

Mr Anthony Perruzza (Downsview): No kidding. Holy smokes.

Mr Jordan: —and you're making all these laws and

bragging about them, that you can't get cigarettes till you're 19? It just doesn't make sense. Stop and think about the real problem and get to the root of the problem, and then you can solve the problem. The root of the problem is right in the home, not down at the corner store. It's right in the home, and as soon as the parent and the child learn some self-discipline, then we'll be on the road to some control of things we can have and things we can't have. But to think that we can stay in this place and legislate the lives of people across this province is absolutely ridiculous.

2310

We're spending many, many dollars on legislation we can't enforce. Who in the name of God have we got to go out and enforce the kind of legislation that's in this bill? We can't even protect the mothers and fathers so they can walk down the street in the evening, let alone legislate and protect children from cigarettes. It doesn't make sense. The intent is good—I support it 100%—but we always go too far, and we've gone too far with Bill 119.

Section 5 of that bill is causing real hardship in over 500 families in my riding and in Bob Runciman's riding of Leeds-Grenville. The problem here is that on section 5, on the fancy packaging, the studies aren't complete, the job isn't complete and yet we're willing to go ahead and put it into legislation hoping that it's going to be effective, without taking into account what's going to happen to the parents who are losing their jobs.

For a lot of us and a lot of people across Ontario, the first two weeks of July are vacation time for them. How would you like to be going on vacation with the plant manager saying, "You know, the legislation that's coming in is really putting your job in serious jeopardy"? That is a very serious thing in this recession we're in. I'm saying, what's the hurry with this legislation? The federal government rushed into it for what would seem to be political reasons. Our government is now following up with an amendment in the bill which isn't required.

There are many parts of the bill, and most of the bill we support, but that section of the bill that says that a certain kind of packaging will introduce youth to smoking has no statistics to prove it. It's just an idea that's there. Even the minister herself says, "We'll put it in anyhow and then we'll be ready when the federal government finally comes forward." It's all right to say that in this place, but what does it say to the parents in the home who are looking at losing their paycheque? What does it say to the industry that's wondering if it can keep its plants open? That's a whole different story.

I was interested in the comments of the member for Ottawa South and the minister relative to the youth: a 50% increase in the use of cigarettes by the grade 7 age group, from about 6% to 9%, approximately a 40% to 50% increase in the use of cigarettes. Think of that, along with all the types of legislation, regulation and so on, warnings on the pack, trying to advise them of the hazards of smoking. We have that all in place. But you can't legislate their lives; it doesn't work that way. You can only go so far. Really, with this bill I feel we've gone a little too far as far as that aspect of the bill is

concerned. I would far sooner see the money spent on special education in these areas in the schools.

I haven't spoken with directors of education in my riding relative to this bill, but I have spoken to the users of the product and they have convinced me that this legislation will not deter them from using cigarettes as a form of recreation, as a form of enjoyment and so on as they grow up and mature.

Like many of us, including myself, we were introduced to them not because of the package but because someone else had them and they offered you one. You tried one and then eventually had some money and bought some of your own and went on from there. Luckily, most of us were able to cut our way free from any addiction to it, but some don't desire to be free of that. Some desire a style of life that makes their cigarette enjoyment part of life.

I don't know how far we should intrude on these people and their way of life. I know that the intent of this bill is certainly in good faith, but when you look over the whole district it could be up to 1,500 families that are receiving their paycheques from the printing and colouring and packaging of cigarettes.

The people, when we go out to speak to them—we had a meeting in Smiths Falls last Saturday—tell us: "Please, no more regulation, no more taxes. Just get out of our lives. Let us live."

Mr Murray J. Elston (Bruce): We want rid of them as badly as you do, Leo.

Mr Jordan: I say to my friend here, let's apply some common sense and no more taxes.

Mrs Joan M. Fawcett (Northumberland): Not that revolution.

Mr Jordan: Thanks for the word; I couldn't think of it there. It's "revolution." Everybody seems to know it now.

Mr Elston: We know where the guns are buried.

Mr Jordan: Oh, I see. That's how people feel, and that's how the young people are feeling too, that we're trying too much to tell them what to do.

In another session with the youth, we found that they think, really, they're on their own. They come home from high school, grade 9. They come to their homes, there's no one there. The house is empty. They're free to turn on the television, they're free to choose any channel they wish, they're free to bring in any video they wish, they're free to invite a crowd in. Really, they're looking for affection, they're looking for direction, but not legislation. When I say direction, I mean in the form of education; I mean in the form of interest in their lives by adults on a personal basis with some love and affection, not a bunch of regulations from this place. It's not going to do one thing for those young kids.

It's too late, I know, to convince the minister that this aspect of the bill is not required, but I can't say too often that the spinoff of that amendment in the bill is going to have real, dire effects on a lot of people in my riding and a lot of people in my colleague's riding.

We went to Ottawa; we went before the health com-

mittee. The mayor of Smiths Falls, Mr Lee, owns and operates Lee Tavern, where a number of the youth from the high schools in Smiths Falls, Perth and district congregate. He tells me that he can't understand why we would bring forth legislation such as this. He knows the kids better than their parents. I'd just like to read here from the committee. Mr Lee says:

"If I can make one observation, there is no proof or fact that plain packaging is going to slow up anybody buying cigarettes. There is proof that if this goes through, my municipality is going to lose \$8 million in wages, \$220,000 in taxes."

Mr Speaker, \$220,000 represents 4% of that town's total budget. That is a fact. The legislation is just a question at the present time, just a question, and the minister knows that, but she says: "We'll go ahead and do it anyhow and then, if the statistics do show that packaging does have an effect on youth buying cigarettes, we'll be ready. If the federal government goes ahead with its legislation, there'll be no time lost. We can move like that."

2320

Well, I don't see that as a legitimate reason for putting all these families on notice. That's really what you're doing, you're putting all these families on notice that their parents could possibly have no income in six months to a year. That's how serious it is. Why put them on notice at this time unnecessarily? Why not let the report come in, why not let the people who work at the plant read the report and assess it for themselves? Then, when the bad news does come, they're better able to understand it instead of being in the worried mode they're in now, just because we're reaching out and putting legislation ahead of the action in case it might happen. It's very unnecessary stress on those families.

You talk about saving health costs. I can tell you that a lot of those families are visiting their doctors right now for stress and nervous conditions and so on, and I'm sure a lot of it can be related back to just that fear of losing their job, because they're very well-paying jobs, very high-tech jobs at the plant. These people have nice homes. They're meeting their mortgage on the homes and enjoying a relatively good life.

I really think that not only the provincial government but the federal government should be giving a little more thought in caucus and in cabinet to the spinoff effects of legislation we're bringing in. There's nothing worse than a law that you can't enforce, and that's what Ontario is beginning to become full of: a whole nest of laws and regulations that are on the books but we can't afford the people to enforce them. We're not only making a joke out of the legal system, but we're spending a lot of time and money on issues that aren't going to return as we had hoped they would in the beginning.

I would like to close. I know the time is late. I just want to stress that we are putting an unnecessary stress on families in my riding without the statistics to back it up.

As to the rest of the bill, on the pharmacies, I agree with the member for Ottawa South. I don't think taking

the cigarettes out of the drugstore is going to accomplish anything. The people I talk to feel that the druggist and his staff are better trained, if you will, or more responsible in lots of ways to see that only those people who should get cigarettes get them. We have to think about that, not saying there's a contradiction between giving out drugs at the one counter and giving out cigarettes at the other counter.

Madam Minister and parliamentary assistant, I know you say you consulted, with 240 letters and 33 direct contacts. That's not very much across the province of Ontario. I don't think I would want to stand up here and say I feel comfortable passing this legislation on the basis of that.

What you should have done with that amendment being in there is given the people an opportunity to come back in, especially the young people and the people and families you are affecting, given them another opportunity to be heard and for you explain to them the statistics you have to back up your legislation.

The Speaker: I thank the honourable member for Lanark-Renfrew for his contribution to the debate and invite any questions and/or comments.

Mr Jim Wiseman (Durham West): Just briefly, I want to comment on the earlier remarks about young people. My experience with young people is that they like to make decisions on their own, they like to be empowered, and they like to have a feeling that they are doing something that is unique and different and not necessarily something their parents would like them to do.

When we were in Sudbury with the committee, we had before us a group of young people from Lively high school. They had created a smoke-free environment, and it was rather interesting the way they did that. They had originally tried to impose it but it didn't work, so the administration went back to the student council and to the students who smoked and held a discussion and a conference. Among the three groups—the administration, the students who smoked and the non-smoking students—they came up with a formula that allowed them to create rules in the school. They created the school's smoke-free environment. The young people took ownership of this program and it seems to be working very well. It's working so well that the Ministry of Health has used that as a model to send to other schools to try to encourage them to do it as well.

One of the things that was rather interesting was the peer response from some of the older students to the younger students in that the older students were sorry they started, they were trying to quit but they couldn't. They were trying to send a message to younger students that they should not start. These are important points to remember.

It's also important to remember in this debate that our ultimate goal is to have a smoke-free Ontario, and the reason for that is because we have about 13,000 families every year who realize that smoking has created a problem, created cancers and created deaths in their family, and that this burden on all of society must be eliminated so we can have a healthier future.

Mr Chris Stockwell (Etobicoke West): Before we go on talking about, "This is the most important piece of health legislation in 10 years," that the members opposite were saying—

Mr O'Connor: Of the decade.

Mr Stockwell: Okay, of the decade then—maybe we should look at what comes out of this bill. When this government cut the taxes on cigarettes by half, smoking, as recently reported in the Toronto Star, went up by 26%. The most important piece of health legislation that was dealt with in this Legislature, not only in this decade but longer than this decade, has been the reduction in taxes. That's increased smoking by 26%. Before you break your arm patting yourself on the back, we wouldn't deal with that issue because we wouldn't take on the people who were smuggling the cigarettes illegally into this country. So today governments like the federal Liberals and the provincial New Democrats are trying to pass this piece of legislation in order to save face. We all understand that. But for them to stand up and say the most important piece of legislation this decade—no, sir. The most important piece of legislation, that increased smoking, was the reduction of taxes on cigarettes. More people are smoking significantly more. More younger people are smoking.

If you were really going to make an impact on the smokers of this province, you would have taken on the smugglers who were illegally smuggling cigarettes, you would have charged them, you would have thrown them in jail, and today we wouldn't necessarily have to have this debate, because significantly fewer people would be smoking. So the reality out there the public understands: Smoking's up, taxes are down. This piece of legislation will have nothing to do with the amount people smoke.

Mr Perruzza: I'm not going to take my full 20 minutes. I want to commend the member for Durham-York for all the hard work he's done in bringing forward this piece of legislation, but I can't help but comment on what the Conservative member for Etobicoke West has just said. Here's a guy who stands up and tries to flog us for reducing taxes when his leader and their entire raison d'être, their entire reason for existing and for running for office and for getting elected to office, is on the whole platform of fighting taxes and cutting taxes and reducing taxes.

You've got the leader of the Conservative Party billing himself as the tax champion of Ontario. What that means, I don't quite know, whether he's going to tax Ontario to death or give Ontario a break on taxes, but I know what the member for Etobicoke West traditionally says is that he wants to cut taxes. Now he stands up and he says: "You've cut taxes on cigarettes. For shame, for shame, for shame." That I can't understand, Mr Speaker.

2330

Mr Stockwell: No, I didn't. No, I didn't.

Mr Perruzza: If that's not true, and I hear the member for Etobicoke West saying that's not so, obviously it's late and I misunderstood him.

Mr Stockwell: You didn't listen to the speech.

Mr Perruzza: I'd like to move unanimous consent to

give him a further two minutes so he can clear the record on that, Mr Speaker.

Interjections.

The Speaker: I heard at least one negative voice. Any further questions or comments?

Mr Runciman: I'll obviously have to come to the defence of my colleague. The member for Downsview, like a good NDP'er, is again trying to distort the facts, which is pretty commonplace from the folks across the way.

The point my colleague was attempting to make was in response to the comment made by the parliamentary assistant that Bill 119 was the most significant piece of public health legislation in the last 10 years. My colleague was pointing out the hypocrisy of that, in that what has happened in terms of public health initiatives is that this government chose to drop cigarette taxes by 50% and we've seen the first significant increase in smoking in 30 years, a 26% increase in smoking. In 30 years, this is the first kind of significant increase we've seen, and that's because this government didn't have the guts, the intestinal fortitude to stand up to the smugglers. That's the reality.

The Speaker: The honourable member for Lanark-Renfrew has up to two minutes for his reply.

Mr Jordan: The government doesn't seem to understand why we are speaking this evening against Bill 119, and I want to stress that we're not speaking against the bill in its entirety, we're speaking against one or two sections of the bill.

The section we're speaking of most is that amendment that interferes with a lot of families in our ridings. I can't stress too much the family stress I'm running into by these people just through this amendment that isn't required at all. You're putting a lot of stress on the plant superintendents, the plant managers, because they have to start to look elsewhere—they can't move on a day's notice—and without any statistics to back this up. I know these are reasonable people, and if I or the minister were to present them with logical reasoning why this is in the bill, you wouldn't have any problem at all. They would immediately be on a positive note looking for other uses for those buildings. But that's how serious it is. Those buildings will not be occupied if this bill goes through, along with the federal bill.

To say we have to put that stress on those families at this time, unnecessarily, just to prove an ideology of this socialist group is not right. And to bring in closure all evening on the many other bills that affect my riding—you know, we're moving from a democratic society into the basis of a dictatorship, really. That's what closure is. It's the beginning of a dictatorship.

The Speaker: Is there further debate?

Mr Norman W. Sterling (Carleton): As many members of the Legislature know, I have been involved with this issue for some period of time, going back to 1985. Over that period of time, I have urged not only this government, I've urged previous governments to take part of the tax we collect from tobacco—and that tax has risen and has varied from time to time, but I believe it has

been as high as \$850 million a year. I don't know what it is after the most recent tax cuts by the present government to meet basically what the federal Liberals agreed to in Quebec, but probably it's somewhere around \$400 million.

I urged the previous Liberal government, when it was raising tobacco taxes through the latter part of the 1980s, when it was raising a lot of different taxes at that time, to put aside a small portion of that taxation to take care of our tobacco farmers, to take care of the communities that were impacted by changes in legislation, by changes in social habits dealing with the use of tobacco. I specifically referred in a number of speeches over those years to the production workers.

Today we have heard from my colleague from Leeds-Grenville and my colleague from Lanark-Renfrew that if in fact at some point in time in the future there is a determination by this government, a future government, a federal government, that we are going to change packaging and there is an economic impact on Brockville, on Smiths Falls, the government should set some money aside to deal with those communities in a fair and equitable manner, to train those workers, to attract new industry, to replace the lost industry that these members have talked about. I urged the previous government to do that; it did not do it. I have urged this government to do it, and it has not done it. It has not done it under Bill 119.

I wanted them to establish a sinking fund, a bank account or whatever, so that as we as a society backed away from smoking, there would be this pot of money to take care of the change in society. I thought if we had done that—and we still have the opportunity to do that—we could change the habits of people and lessen the economic impact on people who rely on the production of tobacco for their living and for their community.

My colleague from Etobicoke West has talked about the decrease in taxation. I also want to indicate that during the 1985 period and beyond, since I have been a member of the opposition party, I believe I have been the only opposition member I have ever heard in this Legislature who has stood in his place and said, "Increase taxes on tobacco." I have said that in this Legislature on a number of occasions. It's not a popular thing for opposition members to do that. They know that when you say to increase taxes anywhere, as a member of the opposition there's no requirement to do that, because you don't have the responsibility of delivering programs and raising taxes.

But I have maintained over that period of time and have a belief in the research I have read that if you lower taxes, lower the cost of the product, you increase consumption, particularly among young people. As we have seen, as a result of the lowering of the taxes which we have experienced in Ontario, not only has the consumption increased with regard to young people but it has also increased, as importantly, among women, the rationale being that their disposable income is less than men and therefore the lower tax, the lower price in cigarettes has allowed them or encouraged them to buy more cigarettes.

Bill 119 was a bit of a disappointment to me in terms

of what it tried to do. The thrust of my efforts in terms of dealing with tobacco has first and primarily dealt with the secondhand smoke issue. I have not tried to interfere, generally speaking, with the choice an individual makes in terms of whether he or she wants to smoke tobacco or not smoke tobacco. My concern has been with the effects of the firsthand smoker sharing his smoke with another person who does not smoke and doesn't appreciate that, so I pushed in my first bills to deal with controlling smoking in the workplace.

2340

I had hoped that Bill 119, or any legislative efforts on the part of the government, would have strengthened the very weak legislation which was brought in by the former government in the latter part of the 1980s to deal with smoking in the workplace. While a lot of workplaces have banned smoking, the legislation on the book quite frankly is weak. I had hoped that would have been one of the thrusts of this legislation.

The part that is attractive to me in Bill 119 is the restriction of smoking in certain other public places. Unfortunately, across Ontario we now have a hodgepodge of legislation. If you live in the city of Toronto, you can be guaranteed when you go to certain public places that you will not be bothered by secondhand smoke, nor will you be subject to the pollution of that secondhand smoke. However, if you travel to other parts of Ontario, the rules are different as you travel across the boundaries of the some 840 different municipalities across this province. I'm happy that within the legislation are some basic ground rules as to where smoking is now allowed.

Amusingly enough, when you look at section 9, which outlines the public areas relating to controlling smoking—I don't know whether you would call it humorous—one of the odd parts of this debate was that in 1988 or 1989, when the Liberal government brought forward legislation dealing with controlling smoking in the workplace, one of the amendments I put forward—I wanted to control smoking in certain public places as well as workplaces, but one of the places in which I wanted to control smoking more than any other place was day care or nursery schools.

To my amazement, I put a bold-faced amendment to the Legislature at that time, in 1988 or 1989, when the legislation was being put forward, that notwithstanding all of the other legislation within that bill, you could not smoke in a day care centre if you worked there. That was my amendment. That was supported by the Conservative Party, that was supported by the NDP, but I could not believe that the majority Liberal government at that time turned that particular amendment away. They voted against banning smoking in nursery schools. I found that quite amazing from the point of view of a government which was not willing to listen to any kind of rationale at all. I mention that more as a point of view in terms of this debate and how things change. Perhaps it's time, perhaps it's position in this Legislature.

One of the things that I did want to mention as well is that—we talk about controlling smoking in public places under section 9—one of the other important sections is section 7, which deals with the sale of cigarettes. My

colleague Mr Wilson, who is our Health critic, the member for Simcoe West, and I both felt that the government overstepped its boundary in trying to control the sale of cigarettes in old age homes.

I heard the Health minister say earlier today, and I heard the parliamentary assistant say today as well, that the primary object of this legislation was to stop young people from starting to smoke. I was talking about the amendment which the Liberals refused to accept about banning smoking in day care centres.

I compare that to this government in terms of not being willing to strike out that particular section and trying to say to people who would go down to the tuck shop in their old age home and get their pack of cigarettes—much as I don't enjoy being in the same room when they smoke, I don't really think that it's the role of me or this government or any government to try to discourage an 80-year-old from stopping smoking. That's between him and his doctor and his family, and I don't see why we should force that old soul to have to get on his coat on a cold winter day and walk across the street to Beckers or to some corner grocery store in order to get a cigarette.

I want to raise those two examples to say how we can get out of whack when we're legislating in this area and we're trying to indicate that we are doing more than perhaps we are. By extending the rules to the ridiculous, by not listening to debate and by accepting those kinds of suggestions, unfortunately we have a bad effect on the public of Ontario.

It is my intention to vote for Bill 119 on third reading and it is the intention of many people in my caucus, as you've heard. There are some people of my caucus who have a great deal of difficulty with the plain packaging amendment which was made to Bill 119. I'd like to talk briefly about that plain packaging amendment, because I feel some responsibility for pushing the government along that line. Quite frankly at the time, I was not aware of the number of manufacturers in my colleague's riding, which is immediately adjacent to my riding, and I am concerned, as they are concerned, about those jobs.

I want to say however that I have listened to the debate in committee of the whole, I have listened to the debate on third reading, and one thing has not been brought to light on the plain packaging issue. That has been the actions of the tobacco companies vis-à-vis formal federal legislation dealing with health care warnings on cigarette packages.

What the tobacco industry did when the federal government tried to regulate health care warnings on tobacco packages is it went to the courts and tried to say, and was successful at the lower courts, that the federal government did not have this right to dictate what was on the package in terms of health care warnings. They won in the lower court.

I believe that legislation is still in limbo. Therefore there is some validity in both the federal government and provincial governments having the right to deal with plain packaging. It is in fact the tobacco companies that have brought this upon themselves, because they had litigated it some time ago. They have tried to prove that the

federal government, when it tried to enter the field in dealing with packaging, did not have the constitutional right to deal with it. They won in the first instance, and I believe the case is still under appeal. I don't have any truck with the tobacco industry, quite frankly, in terms of dealing with this.

I think there is a legitimate concern on the part of my colleagues, and I believe one of the things we must do is do more research in terms of actually proving or trying to prove, in trying to deal with the issue, whether or not some form of plain packaging will reduce consumption, will reduce the attractiveness, particularly to young people. Unfortunately, there has not been a great deal of research done in that area. I do know there is some indication, from what I have read, that the attractiveness of the package does in fact have something to do with consumption.

I know, for example, that in the former East Germany, prior to unification in 1990-91, there was essentially plain packaging in East Germany, because they were all state cigarettes that people were smoking. After unification, consumption almost doubled in East Germany, or what was formerly East Germany and is now part of the whole.

I just don't know, however, whether in fact health care agencies, in their hurry to go towards plain packaging, have done enough to prove their case. One of the things, though, that we have to worry about in terms of the health care issue is that tobacco companies unfortunately have the reputation, as we know, through the 1960s and 1970s when dealing with this health care issue, of saying some of the most outlandish things in spite of conclusive medical health care research. I think in a lot of cases they have damaged irreparably their reputation, their credibility, when they say this doesn't affect the consumption of tobacco vis-à-vis the plain packaging. Therefore, I think there's a role in terms of government in dealing with this.

2350

I want to deal just very briefly next with the vending machine issue. I felt that, quite frankly, the federal government had done an adequate job in dealing with the vending machine issue. That was that they said they were going to ban the sale of cigarettes from vending machines, save and except in licensed premises. Quite frankly, I think that was good enough to deal with that issue.

We asked the government to deal with the compensation of people who owned vending machines. The government refused to accept our amendment to compensate the people: good, hardworking people who had put their money and efforts into running what was entirely a legal business, and as of January 1, 1995, they are going to lose their income and probably not be able to get a fair market value for their machines.

I don't think you should put people out of business by regulation, by legislation, without trying to deal with compensation. Perhaps if we had in fact dealt with what I mentioned in my opening remarks, if we had put a sinking fund or a pool of money or a bank account aside, 1% of the tax we collect in terms of tobacco each year, we could have compensated these people fairly for this change in our legislation.

I don't know how much longer we can go on in terms of legislating more and more regulation dealing with tobacco and how effective that will be in cutting down consumption and stopping young people from starting to smoke. I feel we're getting at the edges of the area of how far we can go in terms of dealing with this issue within this Legislature.

As I say, however, the habit, the addiction and the results of tobacco are so horrendous, and it has been recognized as far back as 1975 by the World Health Organization that the single most progressive thing any industrialized country can do in terms of improving the health of its citizens is to cut down the consumption of tobacco, there could be no doubt that that's still a direction we must take. I only don't know how much farther we can go in terms of dealing with it within the context of this Legislature. Perhaps we have reached that limit. I am still willing to talk to people about other changes.

Lastly, I want to say one thing that I have been very, very disappointed by, and that has been the fact that two of my colleagues in this Legislature would be very, very much affected by plain packaging. I have worked in the past with the Heart and Stroke Foundation. I have worked with the Canadian Cancer Society. I've worked with the Non-Smokers' Rights Association. They lost a lot of credibility, in my view, when they put ads in the local papers of these members, attacking them, I think very unfairly, in terms of the content of those ads.

I believe these members believe in what they're saying. I can only say that I think their case was misrepresented by the non-smokers' group, and I see Mr Mahood sitting up in the gallery, so I'm saying this directly to him. I was greatly disappointed by it. I think they've hurt their cause by taking this tack on two of my colleagues when they know in fact they have a great deal of support not only in the government caucus and in the Liberal caucus but in my caucus as well.

I say that as a warning to all lobby groups. That is their right, but they also need cooperation at times, and we have to talk to each other. When you confront my colleagues like that, with an ad which stretches the truth, it's very, very hard to respond at times.

The Speaker: I thank the honourable member for Carleton for his contribution to the debate and invite any questions and/or comments. Is there further debate? Seeing none, the Minister of Health has an opportunity to conclude the debate.

The member for Mississauga South on a point of order.

Mrs Margaret Marland (Mississauga South): No, it's not a point of order. I just have a question and comment, Mr Speaker.

The Speaker: I did call earlier.

Mrs Marland: I know.

The Speaker: The member was not in her seat. Is there unanimous consent of the House? Agreed?

Interjection: No.

The Speaker: I heard one negative voice. The Minister of Health has an opportunity to conclude.

Interjections.

The Speaker: The member was not in her seat at the time. I asked for unanimous consent and there were several negative voices, not allowing the member to have two minutes to express her views.

Mr Stockwell: Best two out of three.

The Speaker: I will place the question again. Is there unanimous consent for the member for Mississauga South to have up to two minutes for comments? Agreed.

Mrs Marland: Thank you, Mr Speaker—and I'm sorry; I was moving into my seat at the time that you asked—for permission. I simply wanted to say that this bill is a bill that in my opinion is important to the people in this province. I realize that there is an element in this bill that is of concern to a few areas in the province in terms of the job aspect to do with the packaging. One of those companies actually is in Mississauga, and we are concerned about jobs.

But overall, our major concern is about the health of our young people and our adults who have the problem of an addiction to smoking. For the main direction of the bill, the main thrust of the bill, in terms of trying to come to grips with how to solve the problem of smoking and the addiction to smoking and the real costs in terms of human health and the indirect costs in terms of the health

care system, I would like to say, for the record, that I do totally support the bill.

The Speaker: The member for Carleton has up to two minutes for his reply. No?

The Minister of Health has an opportunity to conclude the debate.

Hon Mrs Grier: Let me merely thank all of those who have participated and all the work that has been done by groups outside the Legislature and around the province to bring us to what I think is really a historic conclusion of a very important piece of legislation.

The Speaker: Mrs Grier has moved third reading of Bill 119. By previous agreement of the House, a division has been deemed to occur and a deferred vote will occur tomorrow immediately following routine proceedings.

Hon Tony Silipo (Minister of Community and Social Services): In light of the time, I think it probably would be appropriate to just move adjournment of the House.

The Speaker: The minister moves adjournment of the House. Is it the pleasure of the House that the motion carry? Carried.

This House stands adjourned until 10 of the clock tomorrow morning.

The House adjourned at 2359.

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Third Session, 35th Parliament

**Assemblée législative
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Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Thursday 23 June 1994

**Journal
des débats
(Hansard)**

Jeudi 23 juin 1994



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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 23 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 23 juin 1994

The House met at 1004.

Prayers.

PRIVATE MEMBERS' PUBLIC BUSINESS

DONATION OF FOOD ACT, 1994

LOI DE 1994 SUR LE DON D'ALIMENTS

Mr McGuinty moved second reading of the following bill:

Bill 170, An Act respecting the Donation of Food /
Projet de loi 170, Loi concernant le don d'aliments.

The Deputy Speaker (Mr Gilles E. Morin): Pursuant to standing order 96(c)(i), the honourable member has 10 minutes for his presentation.

Mr Dalton McGuinty (Ottawa South): I am very much looking forward to this debate and to hearing from my colleagues in terms of their views on this particular bill.

Some months ago, Greg Joy, the fellow who is executive director of our food bank in Ottawa, approached me and told me that we had a problem, and the problem was in essence this: On the one hand, the food bank in Ottawa has some 30,000 people a month who are users there, including 13,000 children, and he doesn't have enough food to meet the demand. On the other hand, he told me that there are several large corporate food retailers, manufacturers, processors, distributors, whatever, who are throwing good food into the garbage on a daily basis, food that couldn't be sold in stores or in restaurants but was still good food, healthy food, nutritious food.

Examples of that are, for instance, food which has a "best before" date which is shortly due. For instance, today is June 23. If I've got some cooked ham on my shelves in my store that says the "best before" date is June 26, then it's unlikely I'm going to be able to sell that to your average consumer. On the other hand, a food bank, if it had access to that ham, would be able to distribute it within 48 hours and it would be consumed by someone who obviously would be in need of it.

The other problem they had, for instance, was with dented cans. You simply can't sell dented cans to a consumer in your store. That's another example of a product that, even though the food is good, he could not get his hands on and make use of it at the food bank.

The other example is frozen turkeys which have fingernail-size holes in the wrapping and which have been subject to some amount of freezer burn. That is another example of food that is good and is something that the food banks would like to get their hands on, but which in too many cases they are not.

The reason they're not getting those kinds of foods is because lawyers who represent these potential large corporate donors are telling them it's not in their best

interests to make that donation because of the possibility of liability being attached to that donation. If someone were to get sick on that food, there's the danger of a lawsuit being advanced. As a result, the name of the company would be subjected to the usual, I guess, bad publicity associated with such a lawsuit. It's for those reasons that lawyers are simply telling them, "Look, just throw the darned stuff in the garbage and we won't have to risk a lawsuit." On the other hand, they were and are saying, "Listen, we will donate if you pass the kind of law they have in many other jurisdictions, including the United States, called the good Samaritan law."

I subsequently got in touch with the Ontario Association of Food Banks and they told me that indeed this problem is widespread. It's not just an Ottawa problem, it's an Ontario problem, and the need for food throughout the province in our food banks is indeed desperate. In 1988 there were 60,000 people a month who were frequenting our food banks. Today there are 210,000 people a month, including 85,000 children. On the other hand again, we have tons and tons of good food going into our landfill sites, into our garbage, at the same time.

The Ontario food bank association told me we needed good Samaritan legislation for a couple of reasons. The traditional one is that it will increase the supply of donations to our food banks. Secondly, it's going to protect the existing supply of donations. There have been no lawsuits in Ontario associated with someone getting bad food from a food bank, but all it would take is one. According to the Ontario food bank association, it would only take one to dry up a considerable supply from corporate sponsors or donors.

My bill is based on good Samaritan legislation which is found in all 50 of the American states, and they passed similar legislation in Nova Scotia in 1992, in New Brunswick in 1992 and in Quebec in 1994. My bill does two relatively simple things.

First of all, it says that if you donate food to your food bank, you will not be held responsible if someone accidentally gets sick, but if you show a reckless disregard for the safety of others or if you intentionally cause harm, then you still remain liable.

I think we all understand the meaning of "intentional," but there are some questions from time to time as to what it means to show "reckless disregard" for the safety of others. The example I'd like to use is this: If, for instance, the food bank was to phone me and say, "Listen, have you got any frozen ground hamburger meat available?" and I say, "Yes, I do. When can you come and pick it up?" and they tell me, "Well, I can come and pick it up tomorrow at noon," if I leave it out of the freezer overnight and it's not picked up until the following day at noon, then I've shown a reckless disregard for the

safety of others. In that case and in those circumstances, I would be found liable, and I would expect that to happen.

1010

The second thing my bill does is that it provides protection to our food bank workers, to the people who work there and, I guess even more importantly, to the people who volunteer their services there. It provides them with the same kind of protection.

My bill is supported by the Ontario Association of Food Banks and a number of the stakeholder groups on the other side, people who are now contributing or who could be contributing to our food banks. These include: the Canadian Council of Grocery Distributors, the Grocery Products Manufacturers of Canada, the Canadian Federation of Independent Grocers and the Ontario Restaurant Association.

In addition to those people, I also have had dealings with the Quaker Oats Co of Canada, Cara Operations Ltd and Scott's Hospitality Inc. In fact, during the course of the invention of my bill, I have consulted all of those people or groups that I've named, and in fact the bill that appears before this House today is the third draft. I sent around first and second drafts to all of those stakeholder groups, including the Ontario Association of Food Banks, to get their feedback on my bill. It was amended twice, the end result being, I think, that it strikes a reasonable balance between my desire to encourage further donations to our food banks, to encourage people to work at our food banks, and on the other hand my desire to ensure that food bank users have the protection of the law. I think it strikes a reasonable balance.

This law, as I said earlier, was passed in Nova Scotia in 1992. A couple of days ago I got hold of Dianne Swinemar, who works as the executive director for Metro Food Bank Society, which covers the district of Halifax, Dartmouth and Bedford in Nova Scotia, and I asked her what kind of experience they had there with respect to their good Samaritan legislation. She told me that it has had a significant positive impact. Hospitals and hotels did not contribute before and they now are as a result of this bill. Other companies are now willing to give near-dated products, and in the past they did not make that kind of contribution out of fear of liability. She told me that there were no negative aspects at all.

Another question that arises from time to time is, will our food banks become dumping grounds for companies which are now trying to unload bad products? I think it only takes a small acquaintance with people who work at our food banks to understand that there is no danger of that whatsoever. There had been no lawsuits, not a single one, filed against anybody working at a food bank as a result of having distributed food that's unfit for consumption. I have every confidence in those people that they will continue to act in the best interests of food bank users and use their good discrimination in terms of deciding whether or not food is good and ought to be passed along to consumers.

What I'm trying to do through Bill 170 is to allow us to send a message to people who donate or who work at our food banks, and that message is simply: "We value

your work. What you are doing is a good thing. We are going to support you. We're going to encourage you." It's not a big deal. It doesn't cost the government a cent, but I think it's the least we can do.

In closing I want to say that I look forward to hearing from my colleagues in the House. I have had some considerable correspondence in connection with my bill, all positive I must say—in fact I'm surprised at how positive it's been—and most of it has been unsolicited. It is my hope that we'll be able to move this along as quickly as possible, but I'll have a few more comments about that shortly.

Mrs Elizabeth Witmer (Waterloo North): I'm very pleased to participate in the debate today concerning the act regarding the donation of food that has been introduced by the member. I am certainly very supportive, as is our party, and we would hope that this legislation could move through the House as quickly as possible.

As you know, our party has long been concerned about the impact on people in the community during the recent economic recession. In particular, our leader, Mike Harris, has indicated a concern about establishing breakfast programs in schools and certainly this legislation before us today would help to alleviate the problems that people face concerning a shortage of food.

We know that approximately 40% of food bank users are children, and the act that we have before us today would encourage those individuals, those manufacturers who are presently not contributing donations of food to do so. Unfortunately, up until now, many of them have not made donations for fear of a lawsuit. However, this would protect the donors of food who are making the contributions against a lawsuit brought by anyone who gets sick on food bank food; however, it will not protect donors who cause harm intentionally or through gross negligence.

Certainly, this bill will help to protect the supply of food that is presently available and it will encourage more donations from individuals and manufacturers that are currently not contributing for fear of a lawsuit.

I'm very pleased that Sean Strickland, the co-chair of the Ontario Association of Food Banks, was able to work in cooperation with Greg Joy from the Ottawa Food Bank and Mr Dalton McGuinty from Ottawa South in bringing forth this legislation, and I've received communication from him. Mr Strickland, of course, works with the Food Bank of Waterloo Region and is most supportive of the legislation before us today.

In communicating with the individuals and groups in my community, there is widespread support for this legislation. I have a letter here from the Working Centre and St John's Kitchen, again encouraging the bill's passage, indicating that this would help the more than 200,000 Ontario citizens who receive emergency food every month. They are encouraging us to pass the bill as quickly as possible in order that they can continue to help to feed those individuals who need the contribution of food.

Also, I have a letter here from the House of Friendship in Kitchener, signed by Martin Buhr, the executive director, indicating that the bill be passed as quickly as

possible, and indicating that the legislation is in place in Nova Scotia, New Brunswick and Quebec, and in 50 American states. He indicates that the House of Friendship in Kitchener expects to distribute 30,000 emergency food hampers this year in Waterloo region and he indicates: "Our ability to provide emergency hampers is largely dependent upon the success of the food bank. The success of the food bank would be enhanced through provincial good Samaritan legislation."

I say to the individuals, the groups in my community, the people throughout the province of Ontario, that our party is certainly very supportive of the legislation. We congratulate the member for Ottawa South for bringing it forward and we hope it will be supported and move very quickly through the House in order that we can help those people who depend on the food banks.

Mr Gordon Mills (Durham East): I'm very pleased to speak this morning on behalf of our party to my colleague's bill, the Donation of Food Act, 1994, the member for Ottawa South.

I think it's very timely and it's something that we should move on as soon as possible. Hopefully, perhaps, we can move this right through the Legislature today to make it become the law of the land.

We understand the predicament that the companies are in about being sued for their food, and I know that in previous conversations I've had with some local fast-food outlets in my own riding, they are terrified of being sued or someone coming back to them for people being sick. We are, sadly, a wasteful society and statistics indicate that one quarter of all the food that's produced in North America we throw away.

I want to speak for a moment about the waste of food at the military bases across Ontario. I know that they seem to cook such an awful lot of food for so few people, and particularly on the weekend when people go away. I thought about, why don't the military bases give away some of that food? But that's another avenue. Mr Speaker, I know that you share that concern with me about overcooking of food for the number of troops that remain on base on the weekend, but that's just an offshoot of this bill.

1020

It's good to note that good Samaritan legislation exists to protect the donors of food to the food banks in the United States, in Nova Scotia, New Brunswick and Quebec. So this is not precedent-setting. It's there, and we should move along and be part of that.

In my own riding, we have a small food bank in Courtice and it's called the Helping Hand. They have awful difficulties just getting enough food to supply the people who live in that area, and I know that the local churches donate regularly to that food bank each week just to try to keep the basic commodities flowing into the homes of the needy.

I'm also pleased to see the corporate sponsors and backers of my colleague's bill. It's quite impressive. I received a letter from the Quaker Oats Co of Canada asking me to encourage my colleagues to support the bill put forward by my colleague from Ottawa South. Quaker

Oats says it has long been a proponent of the principles embodied in this bill to provide a degree of protection to companies who in good faith donate food products. I think that's the essence.

We have so many corporate food producers that would've long been willing to give their oversupply or some of their less fresh items to food banks, but they were always caught up in this fear of a massive lawsuit and people saying they got sick through eating their food. It's no wonder that they were very apprehensive of this.

I can see that this bill is supported by the Ontario Association of Food Banks, so actually the food banks that are the beneficiaries of this bill are also in support.

The Canadian Council of Grocery Distributors are behind it; the Grocery Products Manufacturers of Canada; I've already mentioned Quaker Oats. The Ontario Restaurant Association is behind it, and I think that is significant; Cara Operations Ltd—and we know those folks to be massive suppliers of food on contract to hospitals and institutions all across the province of Ontario—they're behind it. And last, Scott's Hospitality supports this, and we all know what Scott's produce. I think it's wonderful to see these corporate entities supporting this very worthwhile bill. It's great to see that.

I think the food banks will be enhanced. I think those people depending on food banks for their wellbeing and their nutritional standards will be enhanced by this legislation. We can look to some distribution, quickly, of this food that hitherto is ending up in the waste boxes, in the garbage bins, and I think everyone benefits from this.

I'd also like to say that I have had a letter from the Ontario Restaurant Association. Those folks are certainly behind it, and they encourage food donations from the foodservice industry to the food banks.

All in all, this is a great piece of legislation. I support it and I know my colleagues support it on this side of the House. Hopefully, this will move through the process very quickly and become law to protect and help perhaps the most vulnerable people in our society today, those people who haven't got a steady job and are up against it, and really need good nutritional meals.

Thank you for bringing this forward.

Ms Dianne Poole (Eglinton): I'm absolutely delighted to rise today in support of the private member's bill from the member for Ottawa South. This is a very rare occasion in this Legislature. It's an occasion where we have all agreed to put aside partisan differences, which all too often dominate our lives, and to cooperate together to try to make something worthwhile happen.

I think it reflects well on every member of this Legislature that when we look at the issue of food banks, the protection of the food supply that is delivered to these banks and the encouragement of the private sector to donate food to the food banks, it's really a tribute to many people that they have put aside their differences in many ways and said, "This is not only something we support, but it is something that we feel so strongly about that we will endeavour to get it quickly through this Legislature."

As several members have indicated, the purpose of this

bill is both to protect the supply of food which is currently being donated to Ontario food banks and to free up contributions from companies that are not now contributing because of fear of a lawsuit. Of course it's always wise to stress that this bill will not protect owners who cause harm intentionally or by acting recklessly. I think you can tell from the years that have gone by that it would be a very, very rare occasion when that latter circumstance would happen, but it's an important consideration when we're looking at protection of our food supply.

If we look at some of the statistics related to food banks in Ontario, I think it draws to our attention why we must do everything we can to encourage the supply of food and to ensure that those in need have an opportunity to use this food. In 1988 there were 60,000 people using Ontario food banks every month. Today over 210,000 people use them monthly, and this includes 85,000 children. That is the saddest statistic that can ever be used about food banks, the fact that it is the children who are the ones who will suffer most from our recession, from lack of economic opportunity. Those are the ones we must ensure are protected.

At the same time as we have this terrific need, we also have an estimate that one quarter of all food produced in North America goes to waste. So it seems that we have the resources but we're not matching them up to the need.

There has been much discussion in the previous decade about government's role in assisting food banks, does it perpetuate food banks if government takes a lead role, but I think one thing everybody agrees on is that government should be taking the lead in encouraging creative solutions, and this is one such solution.

Continuing to look at some of the statistics, just over a year ago I had the honour of attending the people's throne speech out at the Daily Bread Food Bank annual drive. It was a very, very moving ceremony where they gave their throne speech, what they would do if they were the government of the day. They talked about a lot of things that they needed. They talked about some very basic things such as food, such as child care, such as bus transfers, but they also talked about some of the intangibles, the need for self-esteem, the need for respect from other people, the need to be seen not as the deadbeats of society but as those who are temporarily in a position where they need help.

Looking at the statistics we have before us, and they're on my desk somewhere among all these papers, the statistics themselves are very startling. This was a hunger profile done just over a year ago in the Toronto area: There are 163,000 people using food banks in our Metro area of whom 58% were adults and 42% were children; 58% of those using the food bank said they went without food at least once a month; 30% had university or college education; 66% lost work in the current recession; then we go down to the disabled—27% of those using the food bank are disabled; 29% can't even afford a telephone; 15% were homeless in the past year; 50% have moved in the last year.

This is an indictment of our society today and the dire straits people are in. These statistics refute the myths that

are out there. They refute the myths that those who are using food banks are ones who are not contributing to our society.

1030

We have a duty to help. Some of the members have read out some of the lists of supporters of this bill, and the interesting thing is that they reach over a broad sector of those supporting. There is the Ottawa-Carleton chapter of the Child Poverty Action Group, and I'd just like to read a paragraph from their letter to Mr McGuinty:

"We know at first hand how important it is for children to get enough nutritious food. Malnutrition results in enormous deficits in health, intellectual and emotional development; these deficits, in turn, result in significant costs to society in increased health and social services costs, as well as in decreased productivity, resulting from school dropout. We, therefore, believe that, until more effective long-term measures to relieve child hunger can be instituted, every effort has to be made to remove bureaucratic restrictions to donating food, within the limits of safety and health. We believe that your bill will allow the food banks to retrieve greater quantities of food, and this will in turn help to relieve child hunger."

Those are some of the reasons for which I am very proud to support this bill. I would just like to say to the member for Ottawa South that many of us in this House knew your dad, and he would be very proud of you today.

Mr Noble Villeneuve (S-D-G & East Grenville): It's also a pleasure for me to rise this morning and congratulate the honourable member for Ottawa South for bringing forth a private member's bill. It's rather sad that it had to wait for this. However, it is a step very much in the right direction.

I speak for the rural community, the producers of food. When we consider the value at the farm gate of, for instance, the wheat in a loaf of bread we're talking of pennies only, and the value on the supermarket shelf is many times the value at the farm gate, except that if a producer doesn't produce that food, there's nothing to sell and there's nothing in at the supermarket.

We have, through the Ontario Milk Marketing Board, in Ottawa again certain producers who have organized surplus milk for the processing through some of our major processors. The trucking industry is very much on side in providing its services.

When we speak of dairy products, we're speaking of nature's most nearly perfect food, yet for whatever reason we find our school programs very much lacking, when indeed there is a school program, in dairy products. We do know that for our growing young people at those ages when they're in primary and secondary school, dairy products are very, very important to their becoming young adults with all of the potential and the strength that are indeed always notable to young people.

Certainly, I agree with the honourable member for Eglinton that Dalton McGuinty, Sr, was very much a true gentleman in this chamber, and certainly his son is following in those family footsteps. I congratulate him for it.

Back in 1990, during a famous election campaign that proved to be a rather expensive one for the Liberals in terms of members, it said in the Toronto Star of Tuesday, August 21: "David Peterson," someone who's remembered to some degree in this chamber, "vows \$18.5 million for a breakfast program for students." That was in 1990, during an election campaign, and it never did quite happen. Again, it's ironic that it's being brought forth as a private member's bill by one of our colleagues from the Liberal Party.

Mike Harris, the leader of the Ontario Tory party in Ontario, has on numerous occasions brought forth the school breakfast program. Mr Harris's proposal is to involve the corporate sector in this program in the form of school sponsorship, which would cost very little. The donors of the food, not people who have a profit motive but the donors of this food, whether they're at the production or processing or retail end of the food chain, want to make sure that they're not liable.

Food is a very perishable product, and heaven forbid, if you do an act of good faith, you provide food at no cost to people in need, yet somewhere down the line you could be faced with legal litigation and responsibility. That is certainly, I think, what primarily this motion would remove. Provided that everyone acts according to Mr McGuinty's bill, then that would not be possible. Certainly when one visits the food terminal here in Toronto, you see how much actual good food goes to waste simply because people are very nervous about the possible litigation of a product that is perishable.

So I say to the honourable member for Ottawa South, thank you for bringing forth what I feel is going to be supported unanimously. It's supported unanimously, I believe, out in the food production area and the food processing area, and certainly the winners here are the young people in our school program, many of whom go to school hungry in the morning and do not have a diet that is conducive to their wellbeing, to their studying to the best of their ability.

This is a very positive motion and I very, very much again compliment the member for Ottawa South and will be supporting wholeheartedly this motion.

Mr Rosario Marchese (Fort York): I too, like the others, am pleased to speak to this bill and congratulate Mr McGuinty for having introduced it.

I think for a number of reasons, environmental and social reasons, this is a timely bill. From an environmental point of view, obviously a lot of the food that is produced is wasted for the most part, and from a social point of view, Ms Poole and others have talked about the need for food for people in need, women and children and men in need. I think, therefore, from an environmental and social view, this is important to do.

This issue came to my attention about a year and a half ago when the executive director of Second Harvest and another board member came to my office to talk about this, and we talked about the problem. I couldn't understand why it is that we couldn't be changing whatever we needed to do by way of regulation or introducing a bill in particular to deal with it, because it seemed to me reasonable that we should be proceeding.

We worked with the Ministry of Energy and Environment for quite for some time to try to get them to sort it out, and I must admit that we weren't as successful in moving it along as quickly as I would have liked. But that's, I think, irrelevant, because now we have a bill introduced by Mr McGuinty that allows us the opportunity to debate it and to work it in such a way that we can accomplish what we want to accomplish.

Obviously, we're trying to achieve a balance here between two things: one, to protect donors of food for liability for damage caused by bad food; and the other is protection to the victim of food poisoning who may be deprived of a remedy against a person who was at fault in giving or distributing the food. This is the balance that we're trying to achieve, and at times it's not a very easy one.

What Mr McGuinty also here adds is giving protection to the agency as well. So we have a triple concern here about protecting the consumer, protecting the donor and protecting the agency, a very difficult, I would suspect, legal task.

The present law that we have doesn't apply to donors specifically, and that's part of the problem. At present the law does not impose liability without fault. A donor of food or a food bank would be liable for damage caused by bad food only if they knew or ought to have known that the food was bad or were negligent in passing it on for consumption. Now, that obviously is the standard we're operating on, and that standard has frightened many of the donors, clearly. What your bill does is to give the protection to all, it seems to me.

The only question I had in terms of the present general applicability of the law versus the specific applicability of this particular bill that deals with donors is, where 1(b) speaks of "reckless disregard," is that standard now that we're applying—(a) and (b) in fact—protecting the consumer and is it at the same time protecting the donor? My suspicion is that it probably does that, but I would want to speak further and ask for some other legal opinion on this before we proceeded with it.

But I think that on second reading this is sufficient for me to support and to send it to committee to deal with so we can sort out any other legal question that might still remain. I am fully supportive of the initiative, it needs to go to committee for discussion, and I congratulate Mr McGuinty for bringing it forth.

1040

Mrs Yvonne O'Neill (Ottawa-Rideau): I'm pleased to rise this morning to address Bill 170, An Act respecting the Donation of Food, brought to this Legislature by my colleague the member for Ottawa South.

As you will know, Mr Speaker, I've risen in my place several times to discuss the very serious issue of food banks with this government and to remind it of its 1990 election promise to eliminate food banks. I regret to say I have not had much success. For this reason, I'm happy to see that my colleague has brought forward this piece of positive legislation, which will assist the food industry to donate food to people who desperately need it, without fear of personal or corporate liability.

I would like to remind the members of this House, and especially those on the government benches who were not members before 1990, that a standing committee of this Legislature studied the question of food banks extensively in early 1990. In April of that year we produced this report, which is gathering dust, which had several good recommendations.

The hearings on food banks were called for by an NDP member, the member for Hamilton West, who is now, I remind the House, a member of the executive council of the NDP government. He called them because, as he said, "of the general desperation among emergency food providers that they were doing a job which was not properly theirs, but belonged to government income support programs.... To expect them to continue in that role is, in our view, an improper exploitation of community goodwill and voluntary resources."

Then the NDP members of the committee, in their addendum to the report, stated:

"It is at once an injustice and an insult to scores of thousands of Ontarians who are able to manage their own affairs, that they should be driven through simple income inadequacy to resort to the private charity of food banks to put food on the table.... The government's continued reliance on food banks is an abdication of provincial responsibility and an improper exploitation of community goodwill and voluntary resources."

These are but a few excerpts from the food bank report which demonstrate the very strongly held views of the NDP caucus in 1990, and in particular the member for Hamilton West at that time. I'm left to ask myself how this moral high ground has so eroded, has fallen off completely, in the short space of four years.

More recently, during their Easter food drive this spring, the Daily Bread Food Bank in Metropolitan Toronto surveyed those requesting food assistance: 75% of adults who use food banks have lost their jobs since 1990, and only 9% are working at this time.

In light of these disturbing statistics, I believe that we, as legislators, should do all we can to encourage those corporate donors who are willing and able to donate food to food banks by providing them with protective legislation as outlined in Bill 170.

The food bank in Ottawa wrote to me recently, encouraging me to support Bill 170. The executive director said in that letter:

"Approximately half of the food that food banks and food assistance programs provide to the less fortunate come from corporate donations. Despite this, there remains a great deal of food that still goes to waste because of fear of the cost of defending an ill-founded lawsuit may arise, as well as the negative effect of the publicity that would arise."

The executive director of the Ontario Association of Food Banks, in his letter, stated:

"This type of bill is commonly referred to as good Samaritan legislation and is currently in place in Nova Scotia," as we heard from the presenter this morning, "New Brunswick, Quebec and all 50 states."

I've also received a letter of support for this legislation

from the Canadian Council of Grocery Distributors, which stated:

"The bill will protect donors of food to food banks against unwarranted lawsuits. The bill will not protect donors who cause harm intentionally or recklessly.... The passage of this bill would encourage those who are not presently contributing to do so."

Then, from the Grocery Products Manufacturers of Canada, their "members strongly support the principles behind the Donation of Food Act, 1994."

I agree with these people, recipient and donor alike. I believe these provisions will fill a real need and will make a positive contribution in both the variety and quantity of donation to food assistance programs right across this province. It's a practical measure, designed to be truly helpful to those families, and especially those families with children, who find themselves in need of the services of food banks. I encourage all members in the House to join me in supporting this positive piece of legislation presented by the member for Ottawa South.

Mr Cameron Jackson (Burlington South): At the outset, let me commend my colleague from Ottawa South for bringing forward this legislation. I've listened with interest to the veteran Liberal members talk about the moral high ground lost by the NDP. Frankly, I'm here to say that the only member of the Liberal caucus who has any moral high ground on this issue is the member for Ottawa South, since he's the only brand-new member elected from the last election. But the collective history of the Liberal Party with respect to its support—

Interjection.

Mr Jackson: Listen, they get a lot of accolades for raising the welfare payments in this province and opening them wide open. They get a lot of credit for having done that in this province. But we've seen food banks grow at an enormous rate.

I believe that the member for Ottawa South has a good piece of legislation, one which I support, one which I as well have been looking at for some time.

Mr Alvin Curling (Scarborough North): Pat yourself on the back.

Mr Jackson: Mr Curling has indicated, pat myself on the back. I will tell you that I chair three food banks in my community. I've developed breakfast programs. If you think that's accepting a pat on the back, that's fine. I don't. I think it's tragic that a member of provincial Parliament has to roll up his sleeves and raise some \$85,000, which I have over the last three years in my community to conduct food drives.

Since you've asked, I wouldn't expect a compliment from Mr Curling, but quite frankly this is work that should not be going on in the communities. It's an admission of the failure of our system as we've organized it in this province that we have so many poor. I'm not proud of the fact that in my community of Burlington, in the three food banks which I chair as the chair of Burlington Food Share, we're servicing between 1,200 and 1,600 children every single month in our community. I'm not proud of that, and I certainly am not looking for a pat on the back.

However, I have researched this bill and I've shared some of that information with my colleague from Ottawa South and I'd like to share some of that with the members of the House, because when this bill gets passed, it will go to a committee.

The bill is a very short bill and we should be careful to understand that we have one current example in New Brunswick where this legislation has been implemented and there have been some differing views as to how successful it has been. In Nova Scotia, rather, the Nova Scotia legislation goes further to the notion of good Samaritan legislation, because it deals with emergency medical assistance.

That's one of the reasons why a bill I had been examining wasn't ready, because this is a very complex area. We're talking about volunteer firefighters. We're talking about giving emergency assistance when one is driving down the road and they see an accident. Good Samaritan legislation in the United States deals with this additional notion of providing assistance and not being exposed to potential litigation. I think within the framework of our public hearings, possibly, or within a committee review, we'll have an opportunity to look at that.

We should be looking, as I talked to Gerard Kennedy at Daily Bread Food Bank some months ago about, at good Samaritan legislation. He had expressed concern that it should be targeted more towards the manufacturers, who we need to encourage to participate, and less towards the suppliers. For any member of the House who's had any exposure to or experience with food banks and the distribution of food, I have to tell you that we've experienced a considerable amount of problems in the process of accessing a very large supply of food that exists in our communities that is earmarked for the waste stream.

1050

I'll give you a couple of examples. We have one grocery store in Burlington that we're afraid to call because they just give us stuff that is moulding and turning. My Ukrainian grandmother couldn't make a decent stew out of it. I tell you, that's how bad these vegetables were.

We go directly to manufacturers. We have one store at which they don't even unload the bread off the truck to the store. We pick up between 12 and 25 dozen loaves of bread a week from one store in Burlington and then, because we don't want to handle this food extensively—as my colleague our agricultural critic has indicated, the handling and the stale-dating of food is a serious consideration—we move these loaves of bread directly into the schools where we've developed breakfast programs in our community, and that creates a problem because you've got to put these loaves of bread into freezers.

The whole issue of how food moves and is transported and handled extensively is a serious issue here, and when we sit down as a food bank coalition, as we do in our community, when we talk to manufacturers, they will unload the groceries, but you have to have a truck, you have to have transportation, you have to have a place to store it. There are a lot of times we have to say, "No, we can't accept it."

Not to get into the controversy of breakfast programs, but we feel that the government's approach to the breakfast programs may be backwards. We've indicated that you have to develop your resource networking so that it doesn't become a huge cost to taxpayers.

This legislation will help with those companies that are currently donating that want to be reassured that there'll be no litigation, and to that extent this bill will achieve it. But I firmly believe that there are a lot of other issues which can be raised in committee that we can deal with—about the coding of food, the stale-dating, the transportation of food, good Samaritan legislation—which will go beyond the limited capacity of this bill and look at issues about those citizens in society who help.

As you know, if you stop to help a victim in society, you could be sued by the very person you are trying to help, and good Samaritan legislation for Ontario should address that additional issue. For that reason, I will support the bill and encourage my colleague from Ottawa South.

Mr Randy R. Hope (Chatham-Kent): I only have a few short comments which I wish to make. To the member for Ottawa South, it is a good Samaritan bill which is being introduced today, and I fully support that.

As I listened to my colleague from the Conservative Party saying, "I don't want to pat myself on the back, but let me tell you about all the great things I've done for my community"—talk about a pat on the back.

I must say to the member opposite, who has done an excellent job of bringing this good Samaritan legislation forward, I hope what can be achieved through this day, and we always look for wild and crazy experiences in this House, is that this legislation moves very quickly forward: forward from second reading, forward from third reading and forward into royal assent so that this legislation can be enacted.

I see a lot of positive things that can come out of this legislation. Yes, it is unfortunate that we've had a recession, through policies, whatever it may be—I don't want to be like the member opposite, but there are policies out there that have hurt our economy, have put people out of work, people who never expected to be on social assistance in their lives because they figured they had 15 or 20 years in a workplace. They thought their job was secure and they'd be able to retire from that workplace. Unfortunately, times have changed for them and they're victims of a system right now. They're trying to get out and they need assistance.

This legislation will also provide opportunities to our food banks. Like my colleague from Essex-Kent and also myself from Chatham-Kent, and even the rural members, we have manufacturers of food products. There are opportunities now for those corporate citizens. I know when I participate in a bowl-a-thon for the food bank in my community, there are corporations in my community that donate food. This will now level that fear that's out there, take it away and allow them to continue to be a partner on a daily basis versus the annual five-pin, bowl-a-thon to make sure we can raise food for the food bank.

To the member opposite, I want you to know that you

have my full support with this legislation. I hope we can expedite the process. But as I listened to the member opposite who didn't want to pat himself on the back, but he did a great job of telling all the great things he did and does in his community, I must say it sounds like the Conservatives might have a little problem expediting it. But you have our support on this side of the House to move this legislation quickly, to put it in place.

I hope that one day this legislation will no longer be needed and that food banks will not be a part of our society, but that's going to take accomplishments of all political parties, of all levels of government to achieve, and to reintegrate jobs back into our community, and economic prosperity.

To the member for Ottawa South, you have our support. Good luck, and a great piece of legislation dealing with Samaritan legislation.

Mr Curling: I just want to take the opportunity—
Interjections.

The Deputy Speaker: The member for Burlington South, the member for Yorkview, I would ask you, please, to refrain from talking to each other across the House. The member for Scarborough North has the floor.

Mr Curling: I cede to my colleague for Ottawa East.

Mr Bernard Grandmaitre (Ottawa East): I too would like to congratulate my colleague for Ottawa South. Thursday mornings are very important mornings for private members' bills. It gives every member the opportunity to work on a special project. I call this Bill 170 a very special project. I know a lot of research has gone into this private member's bill.

The fact remains that we have 200,000 Ontarians visiting our food banks every day in the province of Ontario. This bill will permit very special donors, manufacturers, to feed the needy in Ontario. We all agree in this House that this is needed, and I don't care if it's an NDP private member's bill, or even a Conservative bill. We have a responsibility in the province of Ontario to feed the needy in Ontario. I'm very pleased that my colleague for Ottawa South has recognized this and I hope every member will support this bill.

Mr Paul Klopp (Huron): I rise today too to give my support and also the support of the Ministry of Agriculture, Food and Rural Affairs. This issue was brought up a number of years ago. When Elmer and I first arrived over at the ministry, there were a number of food companies that came forward and said, "We all agree that food banks are something we all want to try to work to get rid of, but at the same time, having food that goes to waste is an issue that is wrong." Coming from rural Ontario, I think it's an issue that we see a lot more clearly, but it's indeed an issue, as with the member for Ottawa South and his private member's bill, that touches us all.

The ministry has made a number of recommendations to other ministries over the last two or three years, and maybe because of the process, things get discussed.

I support this motion, the Minister of Agriculture supports this motion, and there are people in the ministry who have been working on this for a number of years now who are quite satisfied that they're finally seeing

that the work they gave to other ministries is now going to go through and go through the private member's bill. I congratulate him.

Let's get on with working with this issue because, really, when you see food going to waste, it is not a very good thing. This will allow a lot of people to give, and the charity that we all have in our hearts will be allowed to be pushed forward here. If it needs this type of legislation, then so be it. This is good legislation, and I congratulate the member. All of us, let's show support.

The Deputy Speaker: The member for Ottawa South, you have two minutes to reply.

1100

Mr McGuinty: Let me begin by thanking all the members who have participated in the debate today. I truly appreciated their comments and their support.

To recap, we have a problem in this province of Ontario today in 1994. We have people who are going hungry. On the other hand, we have good, healthy, nutritious food going into our garbage. Not only is that, in a simple sense, a logistical problem; it is, if I am to be perfectly frank, a moral problem. I think we have every obligation to do whatever we can to remedy that problem.

My private member's bill goes, I think, a little way along that road. I have heard comments from some of my colleagues who would like to see this matter referred to committee, and I have serious reservations about doing that. This matter has been under consideration for a couple of years within various government ministries and I have capitalized on that work and sought some of the advice from some of the people who were able to sit in on those meetings and I would be very concerned about sending this off to committee.

I have, I think, in a rather extensive sense, had consultation with the stakeholder groups involved in this matter. I have the full support of the Ontario Association of Food Banks, the Canadian Council of Grocery Distributors, the Grocery Products Manufacturers of Canada, the Canadian Federation of Independent Grocers, the Ontario Restaurant Association and then some individual corporations like the Quaker Oats Co of Canada, Coca Cola Food Products of Canada, CARA Operations Ltd, Scott's Hospitality Inc., Child Poverty Action Group, the Stirling Community Cupboard, the Trinity Community Table of Cambridge, the Food Bank in Ottawa and many others.

I think we have it within our means here in this House today to do something concrete and positive for those people who, through no fault of their own, are attending at food banks to feed their families, and I would hope that the members of this House will assist in moving this through as quickly as possible.

The Deputy Speaker: The time for the first ballot item has expired.

HIGHWAY TRAFFIC AMENDMENT ACT
(SLOW MOVING VEHICLE SIGNS), 1994

LOI DE 1994

MODIFIANT LE CODE DE LA ROUTE
(PANNEAU DE VÉHICULE LENT)

Mr Hayes moved second reading of the following bill:
Bill 176, An Act to amend the Highway Traffic Act

with respect to Slow Moving Vehicle Signs / *Projet de loi 176, Loi modifiant le Code de la route en ce qui concerne le panneau de véhicule lent.*

Mr Cameron Jackson (Burlington South): I'm going to hang one of those signs on the back of your government.

The Deputy Speaker (Mr Gilles E. Morin): Order. Pursuant to standing order 96(c)(i), the honourable member has 10 minutes for his presentation.

Mr Pat Hayes (Essex-Kent): That's one of the mistakes the Conservatives made. They didn't have that sign on the back and we passed them.

Interjections.

The Deputy Speaker: Could you hold on for a minute? I would invite people to go outside of the House if you want to hold a conversation. We're debating a bill this morning, Bill 176.

Mr Hayes: Bill 176, An Act to amend the Highway Traffic Act with respect to Slow Moving Vehicle Signs, is essentially a measure to increase safety on our rural and other roads. Slow moving vehicles, usually tractors and other self-propelled implements of husbandry, are required by law to prominently display the slow moving vehicle or, simply, the SMV warning sign to alert motorists. The SMV looks like this. I think it's very important for the public, and I hope all those who are watching will see this sign and know what it really means.

When people display these signs on their mailboxes, driveways, close to the road or even near utility poles, it causes confusion and can lead to accidents. Bill 176 will restrict the use of the SMV sign to bona fide slow moving vehicles and make it an offence to display it where it might lead to mistaken identity.

This bill enlarges the definition of slow moving vehicles to include not only tractors and farm machinery but also certain types of construction equipment and horse-drawn vehicles. In the case of the horse-drawn vehicles, exemption is provided for those who may object to the use of the SMV sign on religious grounds.

Over two years ago, I was approached by Margaret Eberle, who was then president of the Women's Institute of Ontario. She brought to my attention the ambiguity surrounding the current law with respect to the SMV sign and the need to rewrite this section of the Highway Traffic Act. As a member representing a rural riding, and also having been a health and safety coordinator for the auto industry for many years, I was naturally keen that this problem should be addressed. I would like to take this opportunity to thank Margaret Eberle for providing the inspiration for Bill 176. I might add that Margaret lives in my riding too.

In the course of preparing this bill I have received strong support from the Farm Safety Association of Ontario. As a matter of fact, representatives of the association were kind enough to come to Queen's Park yesterday to brief the opposition critics on the need for rewriting the legislation with respect to slow moving vehicles. I am very pleased that two representatives of the Farm Safety Association are present in the gallery today and I'd like to introduce them. Mr George Underwood is a

past president and chair of the Highway Traffic Act committee of the Farm Safety Association. Mr Joseph Andrews has been a safety consultant with the association for many years and doubles as its resource person to the Highway Traffic Act committee. Gentlemen, welcome and thank you for coming and supporting this bill.

We have also received the wholehearted support of the Minister of Transportation for this bill. George Dadamo, who is the parliamentary assistant to the minister, will be speaking today in support of this. I would also like to express my thanks to the staff of the Ministry of Transportation for their assistance in preparing this bill. Paul Klopp, who is parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs, will also be supporting and speaking on this bill.

We have received many letters of support for this legislation and I would like to share some excerpts with members of this House. A letter written in 1992 by Joan Law, the resolutions convenor of the Federated Women's Institutes of Ontario, to the Farm Safety Association reads as follows:

"We are concerned that slow-moving vehicle signs are being misused. Some can be found on gateposts, as part of Christmas decorations,...along the sides of roads and many other places. We believe fines should be levied for misusing [slow-]moving vehicle signs just as fines are levied when a slow-moving vehicle does not have an SMV sign."

I have a letter from Roger George, president of the Ontario Federation of Agriculture, and it reads as follows:

"Dear Pat:

"The OFA welcomes introduction of your private member's bill.... This legislation is long overdue. The Farm Safety Association has been seeking this for 18 years!... The OFA fully supports your bill.... We look forward to the speedy passage of Bill 176."

I also have a letter from Glen Peart, executive vice-president of the Ontario Retail Farm Equipment Dealers' Association, and it reads:

"The Ontario Retail Farm Equipment Dealers' Association welcomes introduction of your private member's bill.... This legislation is long overdue. ORFEDA has been seeking this for 18 years and cooperated with other farm groups in bringing this to the government's attention.... We look forward to the speedy passage of Bill 176."

As I said in my opening sentence, this bill is essentially a safety measure. It can prevent accidents and save lives. I believe Bill 176 has the support of all three parties in this Legislature. I would like to thank the opposition critics for their support. The rural community has waited 18 years. Let us not keep them waiting any longer and proceed with this bill.

Mr Hans Daigeler (Nepean): As Transportation critic for my party, I'm pleased to say a few words for the record. I know some of my more rural members want to speak as well to this issue, because coming from an urban area, as I do, we don't have too many slow moving vehicles in my area; most of them are perhaps going too fast. So we have a little bit of a reverse problem.

1110

But I do think the member, as he has said, is addressing a serious safety concern, and who can be against this? I think it's a very moderate proposal that is being put forward. The original intention, I'm sure, of the provision that's in the Highway Traffic Act was meant for all slow moving vehicles and not just for farm vehicles, but apparently unless that's specifically provided for in the bill, you can't charge someone for not having attached that sign that warns people about a slow moving vehicle ahead.

Frankly, I had no idea, coming as I do from the suburban Ottawa-Carleton area, that people were attaching these signs to stationary objects—as the member said, to mailboxes and other things like that. I'm wondering why they're doing that. I think really that is kind of irresponsible when signs that are used to protect the safety of traffic are used and diverted for other purposes. So again, I certainly support the member in that objective as well.

I should say, however, and perhaps the parliamentary assistant for the Minister of Transportation could address this a little bit in his remarks, I do have some problems with the way the Ministry of Transportation seems to be forced to deal in a piecemeal fashion with various aspects of the Highway Traffic Act. This has nothing to do with the member's bill but it has very much to do with the Highway Traffic Act, because this bill that the member's putting forward makes an amendment to the Highway Traffic Act.

We have another private member's bill before the House. In fact the member, Ron Hansen, is here and is moving another provision that will affect the Highway Traffic Act and it is another provision that we support in this House. I was going to move an amendment and I know the third party was going to do the same thing. But it all amounts to a piecemeal fashion of addressing some serious concerns with regard to a number of aspects of the Highway Traffic Act.

I know there is an omnibus bill, Bill 175, before the House, and I don't think we're going to get to it until we adjourn tonight. There too are sections of the Highway Traffic Act and of the Truck Transportation Act being amended that, really, people are looking for. I certainly had hoped that we would pass it still because transit authorities are waiting for provisions that will be allowed under this bill. But because the Ministry of Transportation hasn't taken the initiative to bring in one bill to deal with reforms and amendments to the Highway Traffic Act and the Truck Transportation Act, I think we are being forced either to give special approval, just unanimous consent, as we hopefully will be doing with Mr Hansen's bill; or we'll have to go through the private member's route as we're doing today with Bill 176; or, as we're seeing with Bill 175, we may never get to it at all in this session. I think that's unfortunate.

I would like to say to the parliamentary assistant, and I said it yesterday to the Minister of Transportation as we were discussing his estimates, that I do hope in the next session he will bring in a global reform of the Truck Transportation Act and of the Highway Traffic Act that will address all of these things in a global fashion rather

than taking one step at a time, and do it all together, do it in a proper fashion. I certainly hope that the Minister of Transportation will listen to that. I know there are all kinds of other provisions that have been waiting on the books for a long time and I know officials in his ministry have been pushing the minister for these amendments and changes for quite some time.

I certainly support Bill 176, as it is being put forward by the member, and I appreciate him putting this to the attention of the House. However, I would like to hope that the Minister of Transportation will take a global look at the Highway Traffic Act and bring in, in the next session, a bill that will address the many, many other concerns that are there with regard to the Highway Traffic Act.

Mr Bill Murdoch (Grey-Owen Sound): I'm certainly privileged and honoured to speak on this bill and congratulate the member for Essex-Kent for bringing this bill in. It's long overdue, and I certainly am going to support the bill.

I think it's time that something like this was brought in. I agree with you when you say that the sign is used for other purposes. You see them on a lot of mailboxes through the country and gates and things like that. I know that at night, if you're driving down a back road and you see the slow moving sign ahead of you and it ends up on a mailbox, you're sort of slowing down and going again. I've seen that happen, and it's happened to me lots of times.

Mr Noble Villeneuve (S-D-G & East Grenville): Did you slow down?

Mr Murdoch: Somebody said, did I slow down? Well, I did a little bit, anyway.

Interjection: It was on a dead-end road.

Mr Murdoch: On a dead-end road, right.

I am glad also you have the exemption in there for horse-drawn vehicles, on religious grounds, because in my riding I do have a considerable number of Mennonites who don't feel this is necessary for them. I understand that we need some sort of reflection on horse-drawn vehicles, though, because we have to see them at night also and we have had some terrible accidents in my area because of that.

Some time ago, though, I had the Ministry of Transportation come to my area. They were going to force my Mennonite population to put the sign on. We did have a meeting with them, and I want to tell you, maybe it's the air in Grey county, I don't know, but my Mennonites told the man from MTO that if that was the case, they'd go to jail first before they'd put the signs on. So I told them, "You're in Grey county now and we do not like interference from Queen's Park." Not only people like myself but also the Mennonite community told them quite clearly.

Also that night we went to one of the farms and drove in the laneway, and I want to tell you, it just looked like Queen Street. When we drove in, our lights hit the back of their buggies, and what they do in my area is have a metallic strip that comes down the back and across, and they will use those and it works quite well. I want to tell

you, the gentleman from the MTO never came back, so I guess he was quite satisfied that that would work. But I don't think there was any exception for that, and now there will be with this bill if it's passed. As I say, I certainly appreciate that.

But I also farm, as you know, and I try to keep the slow moving signs on my wagons and things like that. The other problem we do have is that some vehicles have them and they certainly aren't slow moving vehicles, and this can cause a lot of problems also.

I think it's about time something like this has been brought in, and I certainly will support it. Again, I just want to congratulate the member for bringing it in.

Mr George Dadamo (Windsor-Sandwich): I'm pleased to rise today to support the private member's bill introduced by the member for Essex-Kent. As I'm sure all members know, our government is committed to making Ontario's roads the safest in North America. This bill, along with a number of other initiatives planned and currently under way, which include graduated licensing, demerit points for non-use of seatbelts, photo-radar to deter speeding, and aggressive driving education and public awareness campaigns, help us to meet this road safety goal in Ontario.

By making our roads safer, we will reduce the unacceptably high human and monetary cost of collisions. That cost, sadly enough, is three lives every day and 240 injuries. The price is also \$9 billion annually in health care costs, lost wages and property damage. When you consider these staggering figures, it becomes very clear just how important it is to take advantage of every possible opportunity to improve road safety on every possible front.

I am pleased to say this bill does just that by restricting the use of slow moving vehicle signs solely to vehicles that are moving well below the posted highway speed limit. Other Ontario road users are alerted to this safety hazard and can react appropriately. As a recognized symbol which is known across North America, the sign serves as a safety warning to alert drivers from other jurisdictions as well that they are approaching a slow moving vehicle.

The bill improves on the legislation in section 76 of the Highway Traffic Act by providing controls on the use of the sign while allowing some exemptions. While current legislation and regulations describe the appropriate use of the sign, they do not identify restrictions on its use. As a result, the sign is sometimes misused on mailboxes and as driveway markers along the highways. The intended benefits of this high-visibility sign have been eroded by this misuse. Like the boy who cried "Wolf" soon realized, misuse means the sign is no longer eliciting the intended response. As a result, signs may be ignored, causing a safety hazard for the operators of farm and other vehicles who are using them correctly, as well as other motorists.

Restricting the use of these signs is an issue the ministry has been looking at for some time. We have worked cooperatively with the Farm Safety Association, as one of the biggest users of the sign, to address their concerns. A committee, convened in 1989, has made a

number of recommendations respecting the use and also the misuse of the sign, and I'm happy to say the bill incorporates a number of those recommendations.

1120

By introducing this bill, the honourable member for Essex-Kent is bringing to the House an issue that the government had hoped to include in an HTA amendment bill in the fall of 1993. Unfortunately, other legislative priorities caused deferral of this bill. I am glad it is before us now and I commend my colleague for his efforts to bring this forward.

As parliamentary assistant to the Minister of Transportation, I would like to reiterate the ministry's support of this bill. The ministry advocates prohibition of the use of the signs anywhere on or near a highway except on vehicles for which they were intended to be used.

In closing, we support exemptions on a limited basis, for example, for groups for whom the use of the sign is against their religious beliefs. I believe old order Mennonites and Amish would fall under these groups. Road safety is a goal that we all share. This bill is intended to save lives by making our roads safer. We believe the provisions of the bill will accomplish those objectives.

Mr Ron Eddy (Brant-Haldimand): I too rise in support of the bill. I realize it's a safety initiative and a very good program. I think it's a happy day in the Legislature when all three parties support such important initiatives as ballot item number 65, being Bill 170, An Act respecting the Donation of Food and the supply of food to food banks, and I'm awfully pleased to see that, and now, secondly, with Bill 176, An Act to amend the Highway Traffic Act with respect to Slow Moving Vehicle Signs, a very important safety initiative.

Certainly, the development of the SMV sign was an excellent measure to start with and its requirement on slow moving farm vehicles has, I know, prevented accidents in many cases and saved many lives. The extension of the use to other slow moving vehicles will be an additional plus, both for the motoring public and the operators of slow moving vehicles. So I think it's an excellent initiative.

I do have a concern about the exemption for those persons whose religious convictions or beliefs prohibit the display of devices such as the slow moving vehicle sign, simply from a safety point of view, because I know, as has been mentioned with the Mennonite communities—and I'm well aware of them in Waterloo region and Perth and east Elgin. The concern is there both from a safety standpoint for the motoring public and the operators, the drivers of the buggies. It's awfully important that they also have safety features. I know some do use the sign. I know that some do have batteries with lights at the back of the vehicle.

I was pleased to hear from the member for Grey-Owen Sound that many use a reflective material of some kind on the back of the buggy because it is so very important in a world where traffic is moving so fast—faster, on occasion, than the signed limit of speed would be on many highways. So that's a very important thing.

I also want to throw in a pitch for reflective licence plates, because I think that's something that should be an initiative of the government as well, because those have proven to be another important safety feature, especially with vehicles parked along roads, because it does happen in certain types of weather where dark vehicles especially are very hard to see and accidents occur that would be prevented, in my opinion, with a reflective material of some kind.

The other great concern, of course, I have is with bicycles, where you see, especially in the city here, I've noticed since I've been down here, many bicyclists after dark without reflective material, dark clothing and bicycles without lights. It's a grave concern because there must be accidents because of that.

Again, coming back to the bill, I applaud the presentation of this bill and support it because it is an important safety initiative for the motoring public and the operators of slow moving vehicles.

Mr Leo Jordan (Lanark-Renfrew): I just want to take a couple of minutes here to thank the member for Essex-Kent for bringing Bill 176 forward. I would like at the same time to draw attention to the use of the sign—the abuse of the use of the sign—and refer to section 2 of the bill.

“(2) The following are slow moving vehicles:

“1. Farm tractors and self-propelled implements of husbandry.

“2. Vehicles...that are not capable of attaining and sustaining a speed greater than 40 kilometres per hour on level ground when operated on a highway.”

Those are the areas that the sign can be used for. The sign cannot be used for bicycles, motor-assisted bicycles and disabled motor vehicles. So the use of the sign is well defined in the bill.

As the member from Grey pointed out, the use of the sign is being abused in different ways. In speaking with the member for Stormont-Dundas-Glengarry and East Grenville, he tells me that he has had questions in his rural riding as to why these slow moving signs are on the top of the rural hydro poles. Well, there is some confusion there because the sign that's on the hydro pole is what they call a “phase marking.” The distribution line is three-phase, so you mark the red phase and you know the other two are the white and the blue. I must check into that to see how close the formation and the painting is to this actual slow moving vehicle sign.

I don't want to cut into my colleagues' time here. I have three from my riding of Lanark-Renfrew, from Renfrew county, and they're here with the green, showing the colours of the county and also advertising the International Plowing Match that takes place this year in Renfrew county.

Mr Paul Klopp (Huron): I stand today to show my support and the support of the Minister of Agriculture, Food and Rural Affairs for this bill. It was mentioned a little earlier about George Underwood, and I also want to take the time to thank George. George and Helen Underwood farm in Huron county, and if anyone knows about the Underwood farms, they know there's a lot of work

there to be done. They don't have to leave the farm gate.

George, like so many people, has been one who believes that you put back into your community and you get involved. One of the groups he got involved with was the Farm Safety Association, and he informed me that this has been on his plate for some 16 years. I can relate to that. There have been a lot of things that we deal with that have been around a long time.

As for myself, on the Huron County Federation of Agriculture, this issue would come up nearly every year before we'd go to the convention, and of course we'd support it. A delegate to the OFA convention—for many years there would be at least one county or at least the Farm Safety Association that would bring up in their annual report that we still hadn't got this issue dealt with.

I must say that in the beginning, as a young 21-year-old who already figures he knows everything, I kind of wondered, how could this be? I've come to realize that sometimes things take time. But I guess people like George have shown me that you just keep pushing on, you keep the faith, you deal with an issue and some day it will get resolved one step at a time.

I mentioned something about a letter to an Honourable Mr Snow some 18 years ago, who was the minister at the time. If I can say so, in this heat wave we've had, the snow is gone; it's time to move on and get this issue resolved. I really want to thank the George Underwoods of the world who have kept the faith on behalf of the rural community. Farm safety is number one for children, and I must say he just informed me that he's a grandfather again. Congratulations to you, sir, because it is really that you're working for the children.

1130

Mrs Joan M. Fawcett (Northumberland): I too want to congratulate the member for Essex-Kent for bringing forward Bill 176, An Act to amend the Highway Traffic Act with respect to Slow Moving Vehicle Signs, and bringing it here today. I know that it does have the support of the agricultural and rural community, and certainly I will be supporting this bill as well.

Farming in Ontario today requires that farmers must travel on public highways. Farming operations as well as construction operations and others generally are becoming larger today, with multiple locations and larger equipment being used, and certainly there is increased road travel. The difference, we know, in the speed of a tractor or any other slow moving vehicle travelling 25 kilometres an hour and a car travelling 80 kilometres an hour can create an extremely dangerous situation for the farmer as well as the motorist. In rural Ontario where the terrain can be very hilly, this certainly is true.

So maximum warning time is vital in preventing collisions between slow moving vehicles and motor vehicles, and I'm also wondering, where possible, if we should even make sure that flashing lights are on the vehicles as well, but possibly all vehicles don't have the flashing lights.

Studies have proven that a slow moving vehicle sign attached to the rear of the vehicle is the most effective way to warn motorists, allowing them the greatest

reaction time possible. Red flags just don't seem to do the same thing, and even road signs warning of the possibility of slow moving vehicles are not nearly as effective.

But in conjunction with this bill, an ongoing public education program must be implemented. The general public really does not appreciate the slow speed of farm, construction and other kinds of slow moving equipment. In fact, I know there are many who believe that they don't even have a right to be on the road, and certainly I do not agree with that.

The slow moving vehicle sign must become part of a motorist's vocabulary and be introduced at the early learning stages for young drivers. I know when the Minister of Transportation introduced a graduated licensing bill, the farm community was concerned with the restriction now being placed on its teenaged children who are a vital part of its workforce. I'm glad to see that with the ministry's support of this bill there is at least a small beginning of perception of the realities of rural Ontario.

I know the member for Essex-Kent who has put this bill forward does have a knowledge of the rural communities, and I thank him for showing that today.

As others have said, there is another advantage of this bill which would seem to be more properly directed at the individuals who do place these signs on their mailboxes and driveways, and I know that wasn't the intent of the slow moving vehicle sign. Really, it only adds to the general motorist's confusion and lack of knowledge of the purpose of the signs.

Further, instead of preventing accidents, sometimes signs misplaced can be the cause of accidents, but farmers, construction companies and others, and possibly the manufacturers of equipment must somehow be—there must be an assurance that the installation of that slow moving vehicle sign is put on the equipment.

As the report of the Ontario Task Force on Health and Safety in Agriculture recommended, the Ministry of Transportation in conjunction with the agency prepare and issue explicit guidelines that will ensure consistent understanding and enforcement of the Highway Traffic Act and its regulations on the use of all slow moving vehicles on public roads in Ontario.

I'm very happy to say that I am in support of this bill.

Mr Allan K. McLean (Simcoe East): I'm pleased to comment briefly this morning and have the opportunity to talk about Bill 176, an Act to amend the Highway Traffic Act with respect to Slow Moving Vehicle Signs.

I want to compliment the member for Essex-Kent for bringing this legislation forward and wanting to rewrite section 76 of the Highway Traffic Act, which deals with slow moving vehicle signs. The sign requirement, which currently applies only to farm machines, would be extended to all slow moving vehicles, other than bicycles, motor-assisted bicycles and cars that are being towed.

This bill provides authority to make a regulation exempting horse-drawn vehicles driven by only those whose religious beliefs or convictions prohibit the display of such devices, such as the slow moving vehicle sign.

Under this bill, placing the sign on or near a fixed

object where it is readily visible from the highway is prohibited, but an exception is made for facsimiles that are displayed for the information of highway users. It is likewise prohibited to operate a vehicle on a highway if it not a slow moving vehicle, but has a slow moving vehicle sign attached.

I want to assure the member for Essex-Kent that I join with the Simcoe County Federation of Agriculture and the Ontario Federation of Agriculture in supporting Bill 176.

The issue surrounding the proper use of the slow moving vehicle sign has been discussed and debated since their use on farm vehicles was legislated in the mid-1970s. Since that time, repeated representations have been made to the Ministry of Transportation about the hazards involved in the misuse of slow moving vehicle signs.

It should be noted that last fall provisions to address the slow moving vehicle sign abuse problem were included in a comprehensive package of regulatory changes submitted for cabinet approval. But it was felt the package became too large when the graduated licence provisions were included, and the SMV component was sacrificed to make room for the graduated licence initiative.

Sadly, the slow moving vehicle sign abuse continues unabated. The Highway Traffic Act requires every farm tractor, self-propelled farm implement or vehicle towed by them to display the distinctive triangular yellow-orange and dark red sign when driven on a highway. But there are no corresponding penalties for its misuse.

The intention of the slow moving vehicle sign is to alert motorists that they are overtaking farm machinery travelling at a rate of speed far below the posted limit. The rapid closing time in these situations can lead to serious accidents, injuries and loss of life.

Public awareness of the proper meaning and purpose of this sign is eroded through such misuse as marking lanes or mail boxes or hydro towers or other stationary objects. In some instances, it has even been used by commercial trucks.

In its brief to the Ontario provincial cabinet on February 9, 1994, the Ontario Federation of Agriculture made the following recommendation:

"The OFA recommends that the Highway Traffic Act and its regulations be amended to restrict the use of the SMV sign solely to unlicensed farm vehicles travelling at a speed of less than 40 kilometres per hour and that these amendments include a prohibition against misuse of the slow moving vehicle sign plus penalties sufficient to deter misuse."

As a long-time farmer in the township of Oro-Medonte in the county of Simcoe, I have no problem in joining with the Simcoe County Federation of Agriculture, the Ontario Federation of Agriculture and the Farm Safety Association in supporting this commonsense approach resolving the issue surrounding the proper use of slow moving vehicle signs.

I want to thank the member once again for bringing this resolution forward. In the interest of preventing the serious accidents and the injuries that happen in rural Ontario, I will be supporting this bill. I want to say this

morning that the slogan he has on his tie—it looks like a slow moving sign, but I understand it is probably from the Safety Council of Ontario and worthy of every consideration that it represents.

Mr Ron Hansen (Lincoln): I'm happy to rise today in support of the private member's bill introduced by the member for Essex-Kent. It has been a long time coming and will certainly help make our roads the safest in the world.

I'd like to address a part of the bill that one of my constituents has been lobbying me on since 1991: to prohibit the use of slow moving vehicle signs in driveways and on mailboxes.

David Wiley, who lives in my riding—and I just want to make a comment, I imagine he'll be using one of these signs here. I read in the paper that they've just got an addition to their family, a young daughter who was born on June 13, so I imagine he'll need one for the buggy that he goes out walking his daughter with. So it will come into use.

David was on his way home during a blinding snowstorm in February 1991. He was travelling on Highway 6 south of Highway 401. Road conditions were terrible. Visibility was down to a couple of car lengths. Mr Wiley could see only one vehicle ahead of him. Suddenly the brake lights came on and the car went out of control. It slid sideways down the road for some distance. Luckily there was no collision and the driver was able to continue on her way.

When Mr Wiley later talked to the driver in a nearby doughnut shop, she said she had braked because she had seen a slow moving vehicle sign in front of her. She thought it was a farm vehicle. Like all other traffic, she had drifted to the side of the road because of poor visibility. The slow moving sign she had braked to avoid was not used on a vehicle at all; it had been used on a driveway marker at the edge of the highway. In Mr Wiley's opinion, if a car had been passing in the opposite direction, there could have been a serious collision, maybe even a fatality.

I'm sure there have been many other near accidents and accidents because of the misuse of slow moving vehicle signs. That's just not acceptable. I can't wait to call Mr Wiley this afternoon and tell him that the Legislature of Ontario has acted on his concerns and that there will be fewer close calls and accidents on the highways of Ontario—more lives saved.

Let's support this bill. It's important to all of us. I certainly want to congratulate the member for Essex-Kent and the Ministry of Transportation for a job well done.

1140

Mr John C. Cleary (Cornwall): I'm also pleased to participate in this debate and congratulate the member for bringing forth Bill 176. I know this has been a concern to rural Ontario for many years, by Ontario farmers and others.

I was pleased to have had the opportunity yesterday to meet with some gentlemen who have been working very hard on this issue for many years. We had a good discussion on the issue of the abuse of signs and a

number of others. I was pleased about that. I understand that a religious exemption will be in place and I do support that. I'm very pleased today to congratulate the member for Essex-Kent on 176. I'm sure it will have the support of all parties and do something good for Ontario. That's what legislators should do.

I also want to congratulate my colleague the member for Ottawa South for bringing forth this very important bill. This is probably one of the most productive Thursday mornings we've had in a long time. I thank both members for that.

Mr Villeneuve: I too rise with pleasure this morning to fully support the honourable member for Essex-Kent. As a former member of the Stormont Farm Safety Association—and this is many years ago, about the time when the triangular slow moving signs first came out—I was very supportive of it. But the misuse must be addressed, and Bill 176 does address it.

I also was a member of the Ontario Farm Machinery Board, and ORFEDA, the Ontario Retail Farm Equipment Dealers' Association, was very concerned about the slow moving sign and its use and misuse. We must make sure that when a slow moving sign appears before you as the driver of an automobile, you're going to come up on this slow moving vehicle very much more quickly than you would on anything else. That's the important part: Any time you see the triangular sign, you're going to come up on this vehicle much more quickly.

This government from time to time has had private members' bills accepted and then, for some reason, go to committee of the whole, which effectively kills the bill. I hope this bill will go to a committee that will indeed amend whatever it has to. I appreciated having the two gentlemen from the Farm Safety Association, Joe and George, brief us yesterday. Several areas do concern me, as one who from time to time would hitch a grain box on to the back of my four-wheel-drive farm pickup and deliver grain to the elevator or to town or whatever. That pickup may not get over 40 unless going downhill, but it certainly has the capacity of being over 40 kilometres per hour. I would not want to see a farmer charged because of that. I think that has to be addressed in a committee, not like Bill 91, where it's not going out to committee at all: "Let the farmers stew in their own brew. We don't want to hear their problems." This must be addressed. I certainly think it has to go to a committee. Bill 91 should have gone to a committee as well. You may have changed your mind overnight. I hope you were able to sleep on it.

Interjection: No.

Mr Villeneuve: The parliamentary assistant says no again. We heard that many times yesterday. Bill 91 will not have input.

This bill does need input. A farm grain box that's set on a flatbed of a farm truck with a slow moving vehicle sign—I would certainly not want to see the farmer being charged because that farm pickup can indeed go more than 40 kilometres an hour or 25 miles an hour. These are areas that I think we must address.

This government brought in photo-radar. Interesting:

Kojak with a Kodak. They'll take your picture and send you a bill. It's an amazing situation, yet they won't charge you demerit points because it doesn't matter: "Just send the cash."

At least this makes sense, and that's why it has to go to a committee that will study all the possibilities. Our farmers know what that triangle sign means. At times they overdo it, put it on vehicles it really shouldn't be on. Heaven forbid, many of our city folks don't know what this triangular sign means. To them it may mean anything from "Road Closed" to "Slow Down" to whatever. They don't know, and the knowledge of the slow moving vehicle sign must be made more public. If that sign, as the member for Grey-Owen Sound mentioned, is on a mailbox—and we've certainly seen them. As a matter of fact, yesterday they showed us signs that were directed with Christmas lights, for goodness' sake, and that was never the intent of the slow moving vehicle signs. It was intended for exactly that, a slow moving vehicle, in most cases a farm vehicle.

We have to address the concerns of all possibilities. If a grain box is behind a farm pickup that can indeed and certainly at times will probably go more than 40 kilometres an hour, what's the situation? Can a farmer be charged in those particular instances?

To the member for Essex-Kent, I commend him. Interestingly, a lot of people like myself were elected—and I was elected here 10 years ago—to make things happen.

Mr Dadamo: That long ago?

Mr Villeneuve: It is that long. At times things do happen, but they happen so much slower than we would like to see occur. Many of the government people were new here—they came in 1990—and I'm quite sure they were going to make things happen with the snap of a finger. Well, finally, after four years, the slow moving vehicle sign, which is not an earth-shattering phenomenon—no, Randy Hope, the sign doesn't fit on you at all. You're way too fast for that.

The Deputy Speaker: Your time has expired.

Mr Villeneuve: It's an excellent bill that was brought forth, and I fully support it.

Mr Mike Cooper (Kitchener-Wilmot): It's my pleasure to rise today in support of my colleague from Essex-Kent and give him my support on Bill 176. In response to the member for S-D-G & East Grenville, this is one of the city folk, and I'm really surprised that there aren't more city people responding to this.

The Farm Safety Association has done a wonderful job, and I'm sure all members of this Legislature do use its material during Farm Safety Week in the month of July to send out to their constituents and let them know about Farm Safety Week to make sure we have fewer accidents out on the farm.

This is a real education process, because I think the people in the rural communities understand what slow moving vehicle signs are and understand about farm safety, but it's the city people who have to be educated. This is why I'm especially proud to be rising on this, because it's people like us, who get out into the rural

community—I have a trailer at Grand Bend so I travel through Perth county, Oxford county, Huron county and Lambton county, and I'm not used to being out in the rural communities. Especially in the spring, when we first start going up there, we have a lot of farm implement traffic on the roads and we have to be aware that these signs mean they are slow moving, and if we do come up on them a little quickly we have to know that we have to slow down. Especially in poor driving conditions, if we're going up late in the evening, we don't want to be pulling over to the side expecting a slow moving vehicle and find a post there with the sign on it.

We're the ones who have to be educated on this, and I would hope that the Ministry of Transportation would pick up on this and put out an education program so the people in the larger urban areas will understand exactly what this sign is about.

In my area, as with the member for Grey-Owen Sound, in Waterloo region we have a large Mennonite community, and the Old Order Mennonites do have certain religious objections to some things like this. In our area we've had a lot of buggy accidents, and it's usually because the people from the city are going out for a cruise in the country or going to the cottage or whatever and they aren't used to coming up to this. In a lot of cases we have had a number of accidents and some fatalities.

One of the problems right now is that a lot of these Old Order Mennonites are now moving out of Waterloo region, and they are one of our drawing attractions. We have a large tourist population come into the region for things like the Mennonite relief sale or the farmers' markets that are dispersed throughout the counties, especially up in places like St Jacobs or north of Waterloo in Elmira. So we have to have some education for the people coming in that they're going to be coming in contact with these things. The economic vitality of our region, and to make the area safer so we don't drive some of our founding fathers out of the area, are really important.

1150

One of the other things—and I know I'm on this a lot—is that when I took the motorcycle safety awareness course it was important that you be highly visible because motorcycles aren't very visible, and there the recommendation is that you wear a reflective vest. More and more now you see people with their bicycles with the little cabooses on them that they have their children in, and you see these triangle things on the back to try and slow you down. If we were doing some proper education, we'd have these people at least putting headlights on their bicycles for late-evening riding. But the important thing here is, they should have reflective vests on so they're more visible. This would make our streets much safer. A lot of people say that if you put the slow moving vehicle sign on it, everybody will understand it and slow down, but these cabooses do sit quite low and it's hard to be visible. I suggest to the parents, if you're riding the bicycle, to wear the reflective vests. This would be more visible in the urban areas.

Once again I would like to thank the member for

bringing this forward. I fully support him and I would again hope that the Ministry of Transportation will do an education thing to make sure that city folk are more aware of what's going on out in the rural areas.

Mrs Ellen MacKinnon (Lambton): I would like to commend the member as well. It's a bit ironic that I found out about the slow moving vehicle problem almost the same way as my colleague did: I was riding home in a bus from a demonstration in Ottawa, and I found myself sitting beside Mrs Eberle, whom I had never met. We had a long discussion about the pros and cons of slow moving vehicle signs and the abuse thereof, and ever since, I've wanted to have something done about it. Thank goodness there's somebody around here who doesn't wear a slow moving vehicle sign on his back like I do, because he got in and he got it done. Congratulations. I know Lambton county will be only too happy to see this.

The day I was so appalled about this was when I saw a slow moving vehicle sign cut in half and used around a flower garden. I ask you why. They're not all that expensive, but I couldn't understand quite why, because where was the education there? The education was on how you don't use it.

Thanks very much, and I appreciate everybody's support in this House.

Mr Randy R. Hope (Chatham-Kent): I want to compliment my colleague. Not only was he promoting this sign and its being properly used, but like myself, he knows how important these signs are going to be for the future of Chatham-Kent. As soon as the federal Liberals quit playing their games around the ethanol issue, a lot of these signs will be on the tractors in my community that will be bringing their corn to the ethanol facility and making sure that the product they're producing from corn will have a major spinoff to the farm community.

I know my colleague, when he brought this bill forward, was very concerned about making sure these signs were in the appropriate place, but he also made sure that people would understand that as soon as the Liberals quit playing their politics around the ethanol taxation exemption, these signs will be more frequently used in our community. Our farmers will be able to bring their product to a new marketplace, which will help the family farms generate prosperity and, hopefully, cash flow.

To the members opposite who support this initiative, I hope they will also get hold of their federal colleagues and make sure they support the ethanol so these signs can be put on the trailers of these tractors.

The Deputy Speaker: The member for Essex-Kent, you have two minutes.

Mr Hayes: I want to thank all the members on both sides of this House. As the member from Brant mentioned earlier, we have two private members' bills in this House today, and I think it does show, and I hope the public is watching, that we can work together and solve a lot of the problems. With a little more cooperation from the other side, I'm sure we'll be able to do a lot more.

From the points everyone has made here, I know everyone has accepted the fact that this is certainly a

safety issue. I can tell you, from the years I've spent working in health and safety in the auto industry, one of the biggest problems I had as a health and safety representative and a coordinator is that when you had signs that were put up, even signs where it said, "Flammables are here" or "Don't smoke in this area," these kind of things, but that hazard was no longer there, then the workers would get it in their minds, "There isn't much sense of paying any attention to this sign because the sign really doesn't mean anything." If it's used improperly, that's what will happen, and that's the message we're getting out to the public.

One of the other issues is the exemption—one member brought it up—for religious purposes and the Mennonites. I am pleased to hear from some of my colleagues and others that they are also seeing the need to have a marker. I understand some are even using this sign. I think it's very, very important that we continue to do that.

I certainly appreciate the support of the member for S-D-G and East Grenville, like all of the others. I just want him to know that we are pushing for this to go to resources development, and I know we'll have your support. Thank you, everybody.

The Deputy Speaker: The time provided for private members' public business has expired.

DONATION OF FOOD ACT, 1994

LOI DE 1994 SUR LE DON D'ALIMENTS

The Deputy Speaker (Mr Gilles E. Morin): We will deal first with ballot item number 65, standing in the name of Mr McGuinty. If any members are opposed to a vote on this bill, would they please rise.

Mr McGuinty has moved second reading of Bill 170, An Act respecting the Donation of Food. Is it the pleasure of the House that the motion carry? Carried.

Under standing order 94(k), this bill is referred to the committee of the whole.

Mr Dalton McGuinty (Ottawa South): Mr Speaker, if I may, I indicated today during the course of debates that my bill will act to provide more food to our food banks, and I would like to see unanimous consent of the House that this be referred or ordered for third reading right now.

The Deputy Speaker: Shall the bill be ordered for third reading? I heard a no, so it has to go to committee of the whole.

Mr Cameron Jackson (Burlington South): On a point of order, Mr Speaker: Before this bill is left to committee of the whole, on behalf of the member and the bill, let's refer it to the social development committee so it can proceed beyond that point. Perhaps the member for Ottawa South would like to move that.

The Deputy Speaker: If a majority in the House is in favour that we send it to a committee besides the committee of the whole, we will send it to that committee. Is there a majority of those who are in favour that it be sent to a committee, not the committee of the whole?

Interjection: Send it to the social development committee.

The Deputy Speaker: The majority is in favour. We'll send it to the social development committee.

HIGHWAY TRAFFIC AMENDMENT ACT (SLOW MOVING VEHICLE SIGNS), 1994

LOI DE 1994 MODIFIANT LE CODE DE LA ROUTE (PANNEAU DE VÉHICULE LENT)

The Deputy Speaker (Mr Gilles E. Morin): We will now deal with ballot item number 66, standing in the name of Mr Hayes. If any members are opposed to a vote on this ballot item, will they please rise.

Mr Hayes moved second reading of Bill 176, An Act to amend the Highway Traffic Act with respect to Slow Moving Vehicle Signs. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 94(k), this bill will be referred to the committee of the whole.

Mr Pat Hayes (Essex-Kent): Mr Speaker, I'd like to send the bill to the resources development committee.

The Deputy Speaker: Is it agreed that it be sent to resources development? Agreed.

All matters related to private members' business has been debated. I will now leave the chair and the House will resume at 1:30 this afternoon.

The House recessed from 1201 to 1332.

MEMBERS' STATEMENTS FÊTE DE LA SAINT-JEAN-BAPTISTE

M. Bernard Grandmaitre (Ottawa-Est): Cette semaine, un peu partout en Ontario, les francophones fêtent des siècles de détermination tranquille à survivre et à prospérer. Demain, ce sera la Saint-Jean-Baptiste, une fête qui occupe une place importante dans le cœur de tous les Canadiens et Canadiennes d'expression française.

Je veux d'abord souhaiter de très heureuses festivités à tous les Franco-Ontariens et à toutes les Franco-Ontariennes, quelle que soit leur origine, qui célèbrent cette semaine leur appartenance à cette grande et diverse communauté francophone de l'Ontario. C'est une occasion de mieux nous connaître entre nous et de faire partager la richesse des différentes cultures qui composent ce tout qu'est la francophonie ontarienne. C'est aussi une occasion de réfléchir sur notre avenir collectif, de réfléchir à ce qui nous unit et à ce que, tous ensemble, nous pouvons faire pour parvenir à un mieux-être collectif.

À tous les francophones du Canada, y compris notre ministre délégué aux Affaires francophones, je vous souhaite une très heureuse Saint-Jean-Baptiste.

C'est une fête qui a des racines historiques très profondes. C'est un moment pour les Franco-Ontariens et Franco-Ontariennes de se souvenir de Jeanne Lajoie, du père Thériault, d'Alphonse Desjardins, du père Charlebois et de nombreux autres qui ont été pour nous des rassembleurs et qui nous montrent encore aujourd'hui que c'est l'organisation et la solidarité qui nous permettront un jour de parvenir au plein épanouissement.

La journée de demain s'annonce heureuse. Je vais visiter le Franco avec ma chef, M^{me} Lyn McLeod, et quelques-uns de mes collègues et nous allons fêter la Saint-Jean-Baptiste.

EMERGENCY SERVICES

Mr Bill Murdoch (Grey-Owen Sound): I stand today on behalf of the concerned citizens of my riding. On Sunday, June 20, 1994, the Hanover and District Hospital was closed for 24 hours. During this period, patients requiring any medical attention had to be redirected to Walkerton and Durham hospitals. Luckily, there were no tragic accidents this time, but what will you do about next time?

The health care crisis in Ontario is escalating every day. The Hanover hospital has resorted to issuing press releases to keep the public informed of events as they occur. I have a press release from the hospital which states:

"The hospital board and the medical staff continue to work together attempting to attract physicians to our area. Until this situation is rectified there will continue to be shortages of services both in local doctors' offices and for hospital emergency department on-call services.

"The month of July is almost all covered with the assistance of out-of-town on-call physicians. Under the circumstances all persons wanting to use the emergency department are advised to phone the hospital first, to verify the availability of a physician.

"Regrettably, there may be unforeseen closures in the future. However, the hospital can only provide emergency services within the on-call resources available."

In 1994 this is absolutely ludicrous. We are not talking about restaurant reservations here. You can't plan a medical emergency, Madam Minister. Negotiate, mediate or legislate. It's time to stop playing Russian roulette with people's lives.

GEORGIAN BAY '94 MARINE HERITAGE FESTIVAL

Mr Daniel Waters (Muskoka-Georgian Bay): I rise today to tell the House about one of the most exciting events ever to take place in my riding of Muskoka-Georgian Bay: the Marine Heritage Festival, Georgian Bay '94.

Communities around beautiful Georgian Bay, from Tobermory to Sault Ste Marie, will join in the festivities all summer long. From parades to carnivals, music festivals to craft shows, Georgian Bay '94 offers something for everyone.

In my opinion, the highlight of the Marine Heritage Festival is the week of July 29 to August 9, commencing with the tall ships parade in the harbour at Midland on July 29 at 5 pm. The ships will then retire to local ports for public viewing over the weekend.

The event will be followed the next morning, July 30, by the christening of the 124-foot Her Majesty's Schooner Tecumseh.

Finally from August 3 to 9 will be the Atlantic Challenge '94, which features contest of sailing, rowing and seamanship between youths from around the world and their historic Bantry Bay boats.

I have chosen to mention a few of the premier events at this time, but I should also tell you that there will be hundreds upon hundreds of events happening throughout the festival's run from June 1 to September 30.

Of course, how could anyone visit the Georgian Bay side of my riding without taking the opportunity to visit many of the other great attractions in the area such as the Wye Marsh, Discovery Harbour, Ste Marie Among the Hurons, Martyrs Shrine, the Huronia Museum and the Thirty Thousand Islands cruises.

To find out more information about the festival is as easy as calling 1-800-465-0529.

Mr Speaker, I invite you, my colleagues and indeed all the citizens of the province to come and experience the wonders and the history of Georgian Bay.

WALK FOR AIDS

Mr Tim Murphy (St George-St David): October 2 will mark the fifth year of From All Walks of Life... Toronto's Fundraising Walk for AIDS. This walk raises funds community-based AIDS organization that deliver programs and services in the areas of care, education and research to help those living with HIV and AIDS in the greater Toronto area.

Last year the walk raised over \$870,000, making Toronto's walk Canada's largest single-day AIDS fundraising event and one of the largest in North America.

This year, organizers have \$1 million as their goal to benefit 36 agencies that range from church- and ethnic-based programs to those targeted to youth, women and native peoples, making this event a benefit to those from all walks of life.

The theme for this year's walk is "One Step Closer," which emphasizes that every dollar raised by participants brings us closer to providing a better life for those living with HIV and AIDS, and ultimately a cure.

Just about half of all AIDS cases in Canada originate in Ontario, with most being in Metropolitan Toronto. Approximately one in seven people will be touched by AIDS during their lifetime, through a loved one, family member, friend or co-worker living with HIV and AIDS.

I am proud to once again be associated with the many volunteers who give their time and energy to help make From All Walks of Life the success that it is. I am today personally challenging members to become involved with similar events in their communities, like Ottawa, Sudbury and Windsor, for example, by highlighting the walk in householders or on local cable shows.

I would also like to congratulate the organizers of From All Walks of Life for their efforts. I can assure members and those in my community that I look forward to working in partnership with them so that together we can get one step closer.

GREEK CELEBRATION

Mr David Johnson (Don Mills): To highlight the contributions Hellenic Canadians have made to the multicultural mosaic of Canada, the Greek Community of Metro Toronto Inc is hosting Greek Festival, an annual event that celebrates the rich cultural traditions of Greece.

This event, now in its fourth year, runs from June 24 through July 3, culminating in a spectacular fireworks display to mark the closing ceremonies. Organizers expect as many as 40,000 visitors this year, encompassing some of the estimated 200,000 people of Hellenic descent

living in Ontario today, most of whom live right here in Metropolitan Toronto.

Under the able direction of the association department president, Nick Kotsaboikidis, the festival promises to be a great success.

Singer Elias Klonaridis from Greece brings his contemporary style of playing to the festivities. Other attractions include traditional dance performance by 14 different groups representing different regions of Greece, booths with goods for sale, a wheel-of-fortune casino with proceeds going to heritage language and community-based programs, and rides for the kids, all housed in a 100,000-square-foot warehouse facility in the riding of Don Mills.

I would encourage everyone to drop by and experience the spirit of Hellenism in Ontario.

1340

WINE INDUSTRY

Mr Ron Hansen (Lincoln): Mr Speaker, I rise to tell you about a wholesome, nutritious food you can drink, an appetizing food called wine.

Since the early pioneer days, Ontarians have produced their own wine. It has always been considered a valuable food, something that helps with your digestion.

Now medical research has determined that, used in moderation, wine actually helps us to live longer. Research has proven that wine decreases cholesterol levels, thus helping to prevent strokes and heart attacks. Now we can honestly say that a glass of wine a day helps keep the doctor away.

It's about time we set aside a week each year to celebrate this wonderful food we call wine. This afternoon I will table a resolution calling on the Legislature to designate the third week of each September as Ontario Wine Appreciation Week.

Here are just a few reasons why: Ontario's wine-making industry dates from early pioneer times; Ontario's vineyards form the most valuable fruit-processing crop for this province; Ontario-grown grapes and wines are earning international awards, thus enhancing regard for Ontario and Canada; grape growing is part of Ontario's valuable network of family farms; vineyards and wineries generate \$100 million for the provincial treasury every year; Ontario wine regions have become tourist destinations, thus creating employment; Ontario vineyards support 10,000 full-time and seasonal jobs; wine is deeply established within the cultural, religious and family traditions of Ontario and Canada.

I'm sure there are a thousand more reasons why Ontario should have its own Wine Appreciation Week, but the best reason of all is that it will recognize our grape growers and vintners for a job well done.

IDENTIFICATION CARD

Mr Gilles E. Morin (Carleton East): I have introduced private members' bills in the past in the belief that they provide a forum in which important issues may be publicly debated. In that spirit, I propose, through Bill 44, a health card with photo.

The Ministry of Health saw fit to go it alone on this issue, thus avoiding consultations with the public at large.

I have been insisting that the ministry retrieve Bill 44 from the committee of the whole precisely in order that all Ontarians may participate in a debate which closely involves them.

I would like to add the following item to the discussion by proposing a universal identification card with photo, fingerprint and other forms of physical identification. Such a card could replace all existing cards and any others planned for the future.

I am aware that many persons are vigorously opposed to such a measure for many reasons, including that of invasion of privacy. These concerns could be addressed through proper debate. All I suggest is that we at the very least debate the issue and hear the different views instead of closing the door on this option.

LONG-TERM CARE

Mr Cameron Jackson (Burlington South): Yesterday the Toronto East General Hospital made the disturbing announcement that it will require its elderly chronic care patients who are on a waiting list for nursing home beds to pay up to \$447 a day for their hospital beds. This is no surprise. During public hearings on Bill 101, an act respecting long term care reform, I warned that the bill would limit access and reduce affordability.

The facts are now clear about another broken NDP promise to seniors. The NDP removed chronic care as a guaranteed access service from the OHIP formulary. As a result, the NDP now controls who is eligible for a chronic care bed. The NDP allowed long-term care facilities to increase the number of expensive semi-private and private beds up to 60% of a total facility, and the NDP imposed increased user fees on frail residents of \$1,400 per month for semi-private and \$1,700 per month for private beds.

We have a catch-22. Thousands of seniors on fixed incomes are now forced to remain in a hospital bed while on even longer waiting lists for affordable long-term care. As Gail Paech, the president and CEO of the Toronto East General Hospital, said, "The ministry's response has been silence."

The NDP was very vocal selling Bill 101 to seniors, yet it is silent when the truth has been exposed about how its policies threaten to remove the frail elderly from their very own hospital beds.

The government's silence gives consent to the ongoing NDP policy that wherever seniors need care, they will pay more fees and sacrifice more dignity to receive essential chronic care services in Ontario they deserve and they need.

ONTARIO TURKEY MONTH

Mr Mike Cooper (Kitchener-Wilmot): I rise today to invite members of this Legislature to join me in recognition of the month of June as Ontario Turkey Month. The Ontario Turkey Producers' Marketing Board has selected June as the month to promote Ontario turkey as a year-round feast.

The media launch for Ontario Turkey Month was held at Pioneer Sportsworld in my riding of Kitchener-Wilmot. One attraction was a 65-foot turkey submarine sandwich which was displayed, sliced and sold to raise money for

the Kitchener-Waterloo branch of the Heart and Stroke Foundation.

The Ontario Turkey Producers' Marketing Board represents turkey farmers in this province, and these farmers produce more than 50 million kilograms of turkey annually. This accounts for more than 40% of the total turkey production in Canada. These producers support a progressive breeding and hatchery industry as well as supporting processing plants across Ontario. In fact, farm cash receipts for Ontario turkeys average some \$90 million a year to our economy.

I would also like to take this opportunity to recognize Len Weeden, who retired in January as Hybrid Turkey's director of technical services. Len has a turkey farm in Petersburg and has an extensive collection of turkey figurines and other turkey collectibles from around the world. Len has dedicated his whole life to working with turkeys and is recognized by the industry as one of the pioneers. I would like to thank Len for still talking turkey after 30 years.

The Ontario Turkey Producers' Marketing Board is to be commended for its promotional efforts to get more people turned on to turkey year-round. I encourage everyone to support this industry by enjoying the quality and taste of Ontario turkey.

VICTIMS OF CRIME

Mr John Sola (Mississauga East): I would like to read parts of the following letter, which I received yesterday from the Peel Women Teachers' Association, into the record.

"We are requesting your assistance in equalizing the rights of the victim with the rights of the accused. Current inequalities that exist within our system are:

"Victims do not have the right to legal representation that is recognized by the court.

"The victim must rely upon the crown and the courts to protect her/his rights.

"The crown represents the state, not the victim.

"Victims do not have the right to a speedy trial.

"Victims do not have the right to full disclosure of evidence prior to trial.

"Victims do not have the right to be present in court throughout the legal proceedings.

"The accused does not need to testify. The victim must come to court prepared to defend all the acts of her/his life.

"Victims do not have the right to be protected against being subjected to any cruel and unusual treatment or punishment.

"Recognition of the harm and suffering to the victim is one of the most basic elements which is not being recognized by the criminal justice process.

"As you can see, there is much work to be done to balance the rights of the victim with the rights of the accused within the Canadian criminal justice system. At the present, it appears that although the accused is presumed innocent until proven guilty beyond a reasonable doubt, the victim has the burden of proof of the offence placed upon her/him.

"With deep concern," it is signed by Margaret Geare, political action convener.

LEGISLATIVE PAGES

The Speaker (Hon David Warner): I invite all members to show their appreciation for the excellent service which has been provided over the past few weeks to the members and to the chamber by our pages. As this is their last day of service, please show your appreciation.

Mr Michael D. Harris (Nipissing): Mr Speaker, I seek unanimous consent to say a few words about an almost 13½-year veteran of this Legislature. I believe, given the anticipated events of the Legislature today, this probably, in all likelihood, according to the best sense that I have, will be his last formal day in the Legislature: the member for Markham. If I have that unanimous consent, I'd like to proceed.

The Speaker: Do we have unanimous consent? Agreed.

1350

MEMBER FOR MARKHAM

Mr Michael D. Harris (Nipissing): I realize that on the last day of a session sitting there is a lot of work to be done, so let me get right to the point.

My very good friend—a friend, I believe, certainly of our caucus, of our party, but I believe of this Legislature, of Markham, of Ontario—has made a decision that he could best serve those primary people he volunteered to serve, the people of Markham, in the capacity of mayor of that great city, and has made that decision after a great deal of thought and after a great deal of discussion with me, with his key supporters who have supported him in his political career, and of course with his family.

We are disappointed. We in our caucus are very disappointed. I think the people of the rest of this province are going to lose something when the member for Markham moves on.

However, I acknowledge that the people of Markham will gain. Should he be successful, and let me share my non-partisanship in saying that I think the people of Markham would make a huge mistake if he's not successful, because our loss as a party and a caucus and Ontario's loss in losing a legislator will be the gain of the people of Markham, of the constituents and those people he seeks to represent on a more full-time basis.

The member for Markham has also assured me that while his primary focus and interests will shift, this also will allow him to spend more time a little closer to home and family. I'm sorry the Minister of Transportation is not in the Legislature. The member for Markham would want said, and he won't say it today, about Progressive Conservative or Liberal or New Democratic members of Transportation, that he will not miss the drive twice a day, sometimes four a day, on the Don Valley Parkway. I assure you that he'll miss us as friends, that he'll miss his time here, that he'll miss all of us as colleagues in a non-partisan way, but he will not miss that, and I know that should there ever be a choice between 407 advancement or a project in Markham versus making sure that the Don Valley is widened, aside from the partisanship of the mayor of Markham, we'll have an ally to make sure

that the Don Valley and access in and out of Toronto is improved as well.

I was first elected with Don at the same time, in 1981. The class of 1981, obviously, we think is a very important class. We're biased, those of us on all sides of the Legislature, but I can remember very well that in our party there were 22 of us in our caucus. I can remember that when we came into this Legislature, we were lined up across that back row. We felt we were the 22 who gave a majority government to Premier Davis of that day. Of course I'm sure that the other 50-odd who were elected felt that too, but we as the newly elected members felt that this class of 1981, the 22 of us, were the ones who brought majority government to the Progressive Conservatives. Some will argue that wasn't good. I think, on reflection, most would argue it was, in conjunction with a 42-year record, probably the best period of Ontario's history.

However, I don't want to be partisan today. I want to say that us rookies, and every one of us in this Legislature remembers what it was like when you were first elected: "What's the office like? What's this job like? Where are the washrooms?"

Hon Ed Philip (Minister of Municipal Affairs): "Where's the building?"

Mr Harris: "Where's the building? Do we get any staff? Do we get paid?"

Mr Murray J. Elston (Bruce): "Is there any money?"

Mr Harris: "Is there any money?" the member for Bruce says. We all asked ourselves those questions. Those of us who were newly elected in this majority government wondered, "Is there a chance to be in cabinet?" positions of responsibility, and so we were all interviewed, and all of us will remember the comments that got printed, which taught us all a lesson as well for our political careers, from the member for Markham when they said: "There are 22 brand-new members, and there's all this experience. Do you think you'll be in cabinet?" The member for Markham said, "I'm not your ordinary member." That was the quote that ended up in the paper of that day.

Mr Elston: He was right.

Mr Harris: He was right. He was not your ordinary member; he was an extraordinary member of this Legislature in government and in opposition. He was an extraordinary legislator.

The media earlier today asked me to comment on two things I might have remembered Don for. On behalf of his constituents, I think the unfairness of the Vaughan-Markham area having to take Toronto's garbage for yet another 20-year period, the fight that the member for Markham led both as our Environment critic and as a member from that region, and joined by other members, I might add, of the Legislature and other parties, perhaps this crusade and this fight—there have been many others but that one is something that he will be remembered for long after his election as mayor.

Clearly the evidence is in now that time is finally on the side of the people of Vaughan and of Markham and

that there will not be a second megadump for another 20- or 30-year period there, taking garbage that's not their own. He'll certainly, on a local level, of all the issues he has fought—the 407, transportation, jobs and other issues—be remembered for that.

I think province-wide he'll be remembered as our critic for human rights. Ministers and those responsible and specific legislation often dominate the agenda, but the member for Markham brought a very charitable, in his case, a Christian viewpoint to the process. For those who are non-Christians in our society, the values and principles he fought for, of family, of fairness, of decency, were values that they shared as well in whatever religious beliefs they had.

Don, in legislation that many of us might have thought had nothing to do with human rights, often brought a fairness and a viewpoint, not a knee-jerk reaction, not the first person who spoke up, not necessarily what somebody determined was politically correct, but what he in his heart felt was fair and right and equitable on behalf of the people of this province. I believe he'll be remembered for that. I will remember him for that. Our caucus will remember him for that.

Some of us will remember him in one of his roles. It had nothing to do with representing his constituents or the people of Ontario, both of which we'll miss him for. In addition to all these things, as critic, as cabinet minister, as advocate on behalf of his constituents, he was also a Deputy Speaker of the chamber for a period of time in this Legislature.

I think that if you check the record, Mr Speaker, you'll find that the member for Markham holds the record, that for the period of time he was in the chair, he threw more members out of the Legislature than any other Speaker, and deservedly so. Some of you might find that ironic, as you hear the member for Markham very loudly and vocally expressing his viewpoints on behalf of an issue he feels strongly about, or a value or a principle or his constituents, but when I think throughout the 13½-year period, as a role, filling in for you, Mr Speaker, as Deputy Speaker, he tolerated no nonsense. When we deserved to be thrown out, we were thrown out. I think the chamber was better for that too.

On behalf of my wife, Janet, and myself, to Don and his family, on behalf of my caucus, I'm saying goodbye from one role, one job, to a friend, to a colleague, to somebody who has been of great assistance to me personally, particularly in difficult times. The counsel he has given in tough decisions has been invaluable to me. On behalf of all our caucus and our colleagues and certainly I believe on behalf of members of this Legislature—for those who've maybe only been here four years, multiply it by three and a half or so and think about 13½ years of service in varying roles and responsibilities and I think you will appreciate and acknowledge a true record above and beyond the call of duty.

We wish him well. We'll miss him, but we'll still seek him out in his new roles and capacities.

Hon Brian A. Charlton (Government House Leader): I rise to join the leader of the third party in making some comments on what is likely to be the

member for Markham's last day in the House, although the leader of the third party seemed to raise that issue with some question, when he well knows that's probably more in his control than ours in terms of this being the last day.

1400

In any event, the member for Markham has been here since 1981. He spent his first term in this House during my second term. The leader of the third party made comment about being here for that last term of the 42-year Conservative dynasty and said something about that being one of the best periods in the province's history. Being a member who served for the last eight years of that 42-year dynasty, I'm not sure I would agree about it being the best part of Ontario's history.

In any event, it was a period when the member for Markham came to join us here in this Legislature, and very early into his time with us here, in fact after he'd been here for about a year, we found ourselves in London, England, with the old procedural affairs committee.

Mr Gregory S. Sorbara (York Centre): How long had you been looking for yourselves?

Interjections.

Hon Mr Charlton: For some time. Mr Speaker, we were at Westminster as guests of the Commonwealth Parliamentary Association, an organization you're familiar with, and during that trip the member for Markham, his wife Aline and I became friends. I must admit that I always liked Aline much better than Don. But all joking aside, we did become friends.

Even though we fundamentally disagree on a whole range of political issues and sometimes moral issues and those kinds of things, I've always found Don to be a person who's not difficult to be a friend to. He's also a member who, no matter what role he plays here in the Legislature, takes the role that he's been given seriously. Unlike some of my own colleagues and some of his own colleagues who sometimes get up in this Legislature and speak simply for the sake of speaking and consuming time—

Mr W. Donald Cousens (Markham): Name names.

Hon Mr Charlton: —the member for Markham is a very serious politician who researches his issues, who spends a lot of time making particular points and uses documents to back those points. Although, as I've said, we don't always agree, I find his approach to those issues at least refreshing from the perspective of the work that he puts into his life here, and that says something about what I think is a reasonably good service that Don has delivered for the people of this province.

I don't wish him quite as well in his next career as the leader of the third party would, but he has served the people of Markham well. There are a lot of us here in the Legislature who will miss his presence. His role here has provided a focus that in many respects would have been totally missing without Don, and that says something about a piece of Ontario's history that otherwise might not have been so clearly defined.

Even if I don't wish him as well in the rest of his

political life as others would, I certainly wish him very well in the rest of his personal life and wish his family well and hope that he doesn't drive them crazy by being closer to home than he's been for the last 13 years.

Don, good luck, and on behalf of my colleagues, the best wishes for whatever you should do after you leave here.

Mr Sorbara: On behalf of my party and my leader, I am charged with doing something I normally would find very difficult, and that's to say something nice about a Tory. Parenthetically, I might say that, given my own circumstances, as Cousens goes out the door, I feel like I want to say: "Just a second, Don. Would you hold that door for a second?" But I'm going to be back here in September or October.

Interjections.

Mr Sorbara: Hold on a second.

I just want to use the member for Markham as an example to establish a point that I have unsuccessfully made to my own constituents for many years, and that is that this job, although it appears perhaps to the public at large to be a rather comfortable one, is filled with the worst kind of stresses, which have their effect both emotionally and physically. When Cousens was first elected to Parliament 13½ years ago, he had a full head of hair. I met him 12 years ago and most of it was gone already.

Don is my political neighbour, the member for Markham. Although we do not share political philosophies, we share the southern part of York region as the area that we represent in this great Parliament, and I want to begin by saying that he has been, for me, a great political neighbour.

As others have said, Don was first elected in the election of, I guess it was, March 19, 1981, and joined a crew that was known as the scourge of '81, or March 19th? That was a reminder to members of the opposition as a minority government transformed itself to a majority government, and I think my friend Mr Charlton is right, and Mr Harris was right, that that was the group that gave the Tories that majority, which lasted for only four years, thankfully. Don was able to serve, I guess in Frank Miller's cabinet, as minister of corrections. Then there was an election and the political world changed a little bit.

There is, by the way, no truth to the rumour that Don started considering this retirement when the whole business of apartments for members became a public issue in this Legislature and around. He had, I know, been talking for quite a long time about taking a different political course, and now he's determined to do that and I too want to wish him the very best of luck.

The great thing about the member for Markham as a political neighbour is that, notwithstanding that we are members of different political parties, he always ensured that when there were issues that were common to York region and the area that we represented, he was the one always to suggest to me that it would be much better to work together to resolve a problem; to find a way, for example, to get the 407 built.

I remember particularly when we had such a crisis in

school funding. Mr Cousens, Don, the member for Markham, came to me—this was in the first few years I was elected; I think actually it was 1986; I had just been elected for a year—and he said to me, "Greg, we can work together on this, bringing members of the community who are concerned about school funding together in a series of public meetings that will make the point very well that some things have to change." We did that, and he took the lead, of course—he was the senior member—and it worked out rather well.

Similarly on Highway 407: We worked together, put all partisanship aside and were able, I think, to help the government in its decision in 1987 to actually get going with Highway 407 and then in 1990 to accelerate it in the way the Minister of Transportation has done and for which I have on several occasions congratulated him.

I think as well about the business of stopping this crazy notion that we're going to have another megadump in Vaughan. Don and I worked together on that very closely, and that's another area where I'm sure, notwithstanding his retirement, we are going to be successful.

Also in all those issues relating to the quality of growth in our community, I know that there has been no stronger voice on behalf of the community in York region generally in support of issues that didn't have any partisan quality to them at all; were just matters that were for the benefit of York region.

1410

Indeed, I guess it was three weeks ago that we were all meeting with the chair of York region, discussing putting the final provisions of the official plan of York region together and presenting it to the government. Once again, it was the member for Markham who suggested that all of the York region MPPs jointly sign a letter encouraging the Minister of Municipal Affairs to expedite the final consideration of that plan, and I'm sure that's going to be done. I signed the letter today and I know that Don is going to do that. In that small way, we work together.

It's been a great deal of fun, sometimes real fun, working with the retiring member for Markham. There is no doubt that he has tremendous political instincts. I recall in the election of 1987 we met and had a chat in the midst of the election and I saw, for I guess the first time, real terror on Don Cousens's face when he said, "I'm in real trouble and I'm going to have to fight with everything I've got to win this election," and he did. I remember in the election of 1990 we got together and had a little conversation and he suggested to me that things were turning very, very badly against our governing party, the Liberals, and were not so much better for the Progressive Conservatives and that the unthinkable was going to happen and there was going to be a New Democratic Party government in Ontario. That nightmare continues—not for much longer, I say to you, sir—but Don Cousens's political instincts saw that very early on.

I want to wish him good luck in all of his future endeavours. I know that he's going to have a strong campaign in the upcoming contest for the mayoralty of the town of Markham. I, like my friend Mr Charlton, don't particularly want to say "such good luck," but the best of luck and good wishes for wherever those great

political instincts take you, not only this year but for many years to come. We all of us in this party wish you Godspeed and best wishes for the future.

Hon Bob Rae (Premier): I did want to say to the honourable member that if it would be helpful in his campaign, I'd be glad to offer my full support to him. I just wanted to say to the honourable member that he has been a tremendous member of the House. He's offered his good advice to many different governments. I've appreciated his forthright approach, his always straightforward way of dealing—both publicly and privately, I might add. I wish him well in his future endeavours and I know that all members will miss his participation in this place.

Mr Cousens: Thank you. Having heard these remarks, I'm inclined to reverse my decision and use these remarks in my next householder.

Mr Elston: Let's do another round.

Mr Cousens: No, you're not going to be that lucky.

It's really a moment to treasure while you're alive when you can have the obituary reviewed and then you can read it. That's happened for other people and then they change their life because of what they read—they didn't like what they read—but I like what I've just heard and it means so much that the Premier would participate in this dialogue today. The mutual respect that we've had for each other goes back a long way.

I am especially pleased that our leader, who began his Queen's Park tenure the same day, along with five others of us still from that class of 1982—just an awful lot of things have happened in 13 years and some months. No, I did not have a full head of hair then. What has happened, though, is that it's a little greyer and what's underneath it's a little wiser.

I thank the government House leader. I never told the people in Markham that we went to Britain. I kept those trips secret, so people didn't realize that we actually knew how to enjoy good times. But we have, in committee and in so many things where we've been able to share and work with each other, and public accounts has many memories, as all of us can go back and know that we did make a difference.

The member for York Centre has the name of the riding I was elected in in 1981, and he has done a fairly good job representing the people since I passed it over to him. But more than anything, he has never ceased to be a friend of everybody, and together the York region members, without exception, have always tried to do the right thing for our communities. So I say thanks to all the colleagues that I have in the House from all parties. From our activities in the House, in committee and in social things otherwise, it has been a great experience.

To the people of Markham and York Centre, I say thanks for their support, care, affection and trust. To those special supporters and campaign friends who are with me here in the House, Audrey Pickard, Andy Grant, Randy Barber, Rob Anderson, Avrom Brown and Lea Hoover, who have helped me through these 13 years, I say thank you. Thanks to a wonderful staff, still with me from the day I started, Barb Nanninga, Mary Carter,

Gloria Martin, Karen Christopher, Annette Borger and Dawn McInnis, just great people, and you know, you don't do this alone; you do it with the people around you.

To the people of the Legislature, who make day-to-day life possible: the clerks in the House—we seldom mention them, but I worked with them for three or four years as Deputy Speaker—the library staff, legislative research, caucus research and support, maintenance, security, parking, mail room. There are so many people that make this place fun to work in, and they've been exciting friends for me. You have a cold and someone comes along, "I've got some medicine for you." It doesn't matter what it is, they care, and care for us, and we care for each other.

To Aline and my family, I say a special thanks, because you can't do this thing without the support and love of the people closest to you. I have great memories, and they'll be with me for ever.

The decision to leave provincial politics has not been easy, but the question I had to answer is, "Can I be of better service to the people of Markham as their MPP in the provincial Legislature or as mayor of the town of Markham?"

The idea was put to me by several groups when Tony Roman, Markham's mayor, passed away one and a half years ago. It was a strong persuasion, but I felt I had an obligation to fulfil my responsibilities at Queen's Park. I've done that now for four terms.

Being a strong believer that at some point every organization can benefit from fresh blood, the time seems appropriate for someone new to bring his or her own strong approach to representing Markham at the provincial level. I believe the town is truly at a crossroads in terms of looming growth and the continuing pressure on taxes.

The more I thought about it and discussed it with hundreds of people and groups around town, the more it became clear to me that as mayor I could focus much more directly on Markham issues and concerns, compared to the much broader focus an MPP has to have at Queen's Park. That's what appeals to me most: to put Markham first. That's where my heart is. That's where my family is. That's where I can bring my experience from here and from business to address the issues and realities facing that community.

I believe that elected people can set the tone and set the agenda. These are the main reasons I have decided to switch my focus and energy and experience upon Markham itself and give voters a chance to decide for themselves in November.

1420

I have three little announcements to make today. The first is that by making my resignation effective on October 1, the Legislative Assembly Act makes it clear that the Premier does not have to call an election when a "vacancy occurs in the last year of the legal life of the assembly." This will save the riding of Markham and the provincial treasury the cost and significant effort of a by-election.

My second little announcement is that under the

assembly Guide to Members' Allowances, MPPs are eligible to a severance allowance when they vacate their seat. I would be able to collect over \$42,000 on October 1 from this fund.

However, the intention of this allowance is to assist members in making a transition to a new opportunity from provincial politics. Inasmuch as I hope to be gainfully employed as mayor of Markham within a few months, and in the spirit of these guidelines, I will take only a monthly household allowance from the severance fund to support my family in the interim. The remaining amount of over \$30,000 will be donated to a registered charity. I want to live by the spirit of the guidelines and feel this is the honourable thing to do.

Finally, though you've been generous to me today, please know that I'm not gone yet. My service to Markham and the province will continue until October 1 and I intend to be fighting for what I believe in as vigorously as ever. Who knows? You might even see me very often after December 1, in a new capacity. Thank you very, very much.

The Speaker (Hon David Warner): I too would like to extend my warmest wishes to the quiet but honourable member for Markham, and wish him the very best.

It is time for questions. The honourable member for Bruce.

Mr Elston: My best to Don and to his family as he retires. Any other candidates should take advantage of the warm feelings on a day like today. If you're thinking of announcing your retirements, it seems like a good day.

ORAL QUESTIONS

CONFLICT-OF-INTEREST GUIDELINES

Mr Murray J. Elston (Bruce): I'm reading from a document dated June 23, 1994, from Sharron Pretty, and my question is to the Minister of Housing. It indicates here under several paragraphs a series of events in which Ms Pretty had tried to set up a meeting with Ms Gigantes. It says here that on May 19, when Ms Pretty called someone by the name of Sue Lott in Ms Gigantes's office, she was told Ms Gigantes would not be able to talk to her because she "was involved in legal action."

But later there was a meeting set up and the minister attended that meeting to talk about several items. I want to ask the minister, why would she not, because of the legal action, speak to Ms Pretty in May, but found it necessary to call the meeting and speak to her in June?

Hon Evelyn Gigantes (Minister of Housing): I'm not aware of the exact phrases that might have been used in that conversation with the member of my staff in Ottawa. I'm certain that at that stage I did not know what the legal context was. In fact, I still am not sure how many actions or what actions may be involved around the whole non-profit situation in that particular instance.

Mr Elston: Well, it's interesting, because she sent a letter back to Ms Pretty dated April 25, 1994, answering a letter some six months after the request had been made. Let me refresh the memory of the member.

She met on June 10 with another person from the Van Lang Centre and discovered that her ministry and her

staff and other people were being implicated by the activities that were being discovered around the criminal charges. It was after that meeting, unbeknownst to anybody else, that the minister and her officials decided to call the meeting at the centre.

I want the Minister of Housing to indicate that the reason she called the meeting was to try and take herself, her staff and her ministry off the hook for a very badly managed and very unhappy set of circumstances at this centre for which they felt complicity. Will she do that now?

Hon Ms Gigantes: No such thing. Absolutely not. I had been approached by various members of the board, by people who had been previously employed at the non-profit organization, for meetings and when I decided finally that it was appropriate to have a meeting and see if it were possible to sort out the situation, given the changes and the work that had gone on with the Ministry of Housing at the non-profit corporation, then I met with a former project manager one week and the following week I met with board members.

If I could say one thing about the involvement of the Ministry of Housing, it has been in an attempt to provide whatever support, guidance counselling and insistence on program guidelines that we felt would be helpful in that situation, and the same kind of approach is used in other instances where non-profit groups or co-ops run into problems that involve stresses among members of the board.

Mr Elston: This is an extremely interesting piece of work that this member is trying to give to us today. She sent a letter in April replying to a letter that was about six months old. She says she doesn't really know what the circumstances were. She had a meeting on June 10, but wasn't really sure about the whole series of problems that were around that, and then called a meeting one week later.

You know something? Between the time that you answered the letter in April, when you didn't know, and June 10, when you still didn't know all about the legal proceedings, you gave an interview to one James Wallace of the Ottawa Citizen in which you said—sorry, this is the quote: "...she knew about the allegations but wouldn't comment on them because of the court case."

Tell me, how could you have refused in May to have had a meeting with these people on the basis, as your assistant said, that it was before the courts, that you couldn't comment to Mr Wallace on June 1 because you knew about the allegations but it was before the courts, and yet you could have a meeting on June 17 around the entire circumstances that dealt with the court action and actually suggest to Ms Pretty, and in fact she says in this document which she has produced that she felt that you were effectively and outwardly forcing her or at least putting pressure on her to withdraw the charges? How can you ever hope for anybody to believe your tale when you were giving all of these interviews and statements that said, "I can't comment because of the legal action," but then you went and did it anyway? How can we expect to believe you? Why did you do it?

Hon Ms Gigantes: The member does not understand.

There is more than one action involved here. I have never been willing to talk about the court case, that court case or other cases that may be before the court, and I do not know, he has to take my word for this—

Mr Charles Harnick (Willowdale): Just enough to have the charges withdrawn, right. Just enough to withdraw the charges, take your head out of the noose.

The Speaker (Hon David Warner): Order.

Hon Ms Gigantes: —I do not know how many actions there are in court at this stage. There is certainly more than one.

I want to go back for just a moment to the member's lengthy introduction. The meeting was held after the Ministry of Housing had done a lot of work to try and sort out the situation at the non-profit group, including several months of an undertaking of a compliance review and follow-up work with the board to make sure that the recommendations contained in the compliance review were being met. Does he understand that now? There was not a gap where nothing happened. The ministry was at work.

When that compliance review was complete and the ministry had attempted to work through the situation with all the board members in meetings starting on December 30, 1993, then it came to the point where the ministry said, "These people are having real difficulty dealing with each other," and when the requests were outstanding to me, I said: "Perhaps this is the time when we can effect some mediation. It may be possible to help people come together and to work together at this non-profit."

Mr Elston: The crown knew that you would like to withdraw the charges.

The Speaker: Order. Would the minister conclude her response, please.

Hon Ms Gigantes: We left that meeting with the feeling that that was possible. The results subsequent certainly indicate that the degree of difficulty that people were encountering at the non-profit meant this was not the case.

1430

TENANT SAFETY

Mr Joseph Cordiano (Lawrence): I have a question of the Minister of Housing. The tragic events of last week on Trethewey Drive in my riding have shocked and paralysed our community with fear. There have been far too many acts of violence related to drug trafficking taking place at MTHA buildings right across Metro Toronto. Time and again we have heard from residents, the police and members of the surrounding community that MTHA buildings are like magnets that attract drug dealing and the violent crime that goes with it.

A tenant who lives on Trethewey Drive had this to say: "It's no place to live any more. There are junkies and pushers all over the place." Is it reasonable for us to expect people to continue to live in MTHA buildings fearing for their lives every single day? Do we have to see Toronto become like another American inner city before we take action? I say no.

I say that if you want to follow some course of action,

in my leader's papers on safe communities she calls for the Ontario government, your government, to show leadership by requiring the Ontario Housing Corp to carry out safety audits to reduce opportunities for crime.

Will you commit today to carrying out safety audits in MTHA over the summer in cooperation with the tenants so that we can develop an action plan for dealing with the deteriorating level of safety in MTHA apartments?

Hon Evelyn Gigantes (Minister of Housing): I'm surprised that the honourable member, being his party's critic on Housing issues, is not aware that in fact there are safety audits which are being carried out at MTHA properties.

If he's asking me whether I think the communities in MTHA developments are feeling happy and feeling secure and feeling as if the operations of MTHA are as good as they can be, I will say no, I don't think that's the case. That is why we have taken a rather extraordinary step and called in assistance from Peat Marwick Thorne to do an examination of the operations of the Metropolitan Toronto Housing Authority. While I don't believe this is going to be a panacea, I think it certainly will have practical effects on the quality of life for people who live in MTHA communities.

Mr Cordiano: Minister, you're an absolute joke. Safety audits are not audits conducted like value-for-money audits. We're talking about real criminal activity. We have to drive out criminals from these communities, and we start with safety audits to talk about safety, not to talk about value for money; this is entirely a different matter.

Tenants deserve to live without fear. They deserve to have the right of protection. They need to take back their communities. We can't allow fear and intimidation to run their lives every single day.

A seven-year-old girl who lives on Trethewey wrote a poem to mark the Trethewey tragedy:

We do not know if there will be a tomorrow

We do not know if the sun will shine.

For years, people who live in MTHA buildings have been expressing their frustration and rage that their neighbourhoods have been literally taken over. Why would you deny them an opportunity for taking back their neighbourhoods? Give them this chance to regain a sense of safety in the community for themselves and for their children. If you're not going to do safety audits, will you establish a joint committee made up of residents and members of this House to develop an action plan to start turning these neighbourhoods around?

Hon Ms Gigantes: Again, I'm surprised at the member. He is approaching this in such a simple-minded way that he doesn't understand I was talking about two kinds of audits. I am talking about an operational audit with MTHA that's being conducted by Peat Marwick Thorne. I'm also talking about the fact that I'm surprised that member is not aware that within MTHA communities at the moment, safety audits are being conducted. Can I be more clear than that?

We believe, I believe, this government believes, that the communities living in MTHA properties deserve

support, deserve assistance and deserve an organization that works for them. The member identified the fact that there have been problems with Metropolitan Toronto Housing Authority communities for many years. We are determined to overhaul the system that has produced that.

Mr Tim Murphy (St George-St David): When this minister was in opposition, if the MTHA was a private sector landlord, we'd have to scrape her off the ceiling on the kind of behaviour MTHA shows as a landlord towards its tenants.

I represent an area that includes Regent Park. Last week alone, there was a knife wounding, one murder by gunshot, three wounded in a retaliatory drive-by shooting; 30 shells littered the sidewalk in front of the community centre, where children were playing.

The people in this community are fearful that they're going to be facing a long, hot summer of drug dealing, violence and fear. In this climate, community residents are too afraid to cooperate with the police, too afraid to help identify criminals, too afraid to even report crimes. The community needs a rest from crime.

The Regent Park Community Health Centre says that because of the conditions in the park, it's become a serious health issue. MTHA officials in the community say they don't know what to do. An undercover officer says, "The situation is out of control."

The Speaker (Hon David Warner): Could the member place a question, please.

Mr Murphy: We need action on eviction rules, trespass enforcement, taxis to get out of there. We need more security, lighting, maintenance. I want to encourage this minister and the Premier to come and talk to the residents and come and tell the people in Regent Park what she's going to do for them today and tomorrow to get rid of the fear and the violence.

The Speaker: Would the member complete his question, please.

Mr Murphy: I don't want this stuff about safety audits or anything. I want action now and I want to hear what she's going to do about it.

Hon Ms Gigantes: I have been to Regent Park. The difficulties that exist for many MTHA communities, difficulties of violence, of drugs, of users, of drug traffickers, many of whom come from outside those communities invading those communities, are real, serious problems. If the member thinks he as a member or I as a minister—

Interjection.

The Speaker: The member for St George-St David, please come to order.

Hon Ms Gigantes: —can wave a magic wand and deal with issues which have been around a long time, while he was still in short pants, then—

Interjections.

The Speaker: Will the minister take her seat, please.

Interjection.

The Speaker: The member for St George-St David, come to order.

Mr Murphy: It's getting worse under you guys, not better.

Interjections.

The Speaker: Has the minister concluded her response?

Hon Ms Gigantes: That's fine.

1440

NON-PROFIT HOUSING

Mrs Margaret Marland (Mississauga South): My question is also for the Minister of Housing. We've learned today that Juan Andres, the consultant who benefited from a \$135,000 land flip in connection with the development of Cypriot Homes in Kitchener, has been charged with fraud, theft and the use of forged documents. Indeed, Mr Andres already has a criminal record for possession of the proceeds of crime.

Yesterday my colleague the member for Parry Sound revealed that Mr Andres not only benefited from the development of Cypriot Homes; he also received consulting fees from Hellenic Place in Kitchener and Slavonia Village in Petersburg. Your answer yesterday, Madam Minister, was just to wipe it off.

We know now, through the Kitchener-Waterloo Record, that this same consultant has been involved with a project in Ottawa and in Kingston. Given that Mr Andres has a criminal record and faces new criminal charges, will your ministry audit the other Kitchener area projects with which he has been involved and report your findings to this Legislature?

Hon Evelyn Gigantes (Minister of Housing): First of all, I reject the notion that has been presented by the member for Mississauga South that I attempted to wipe anything off. There are serious matters involved in the issues that are being raised here.

Mr Andres has no further connection, to the knowledge of the Ministry of Housing, with any non-profit or co-op development in the province of Ontario that is administered through the Ministry of Housing.

Mrs Marland: We reject your incompetence. That's what we reject, the fact that you don't think you have to answer to the people of this province about the mismanagement and misuse of funds and the fact that we have the consultants who move through this province, as an example the one I've just given you.

It's bad enough that Mr Andres profited from at least three projects in Kitchener. His company is also implicated in gross mismanagement of a non-profit development in Kingston. The Housing minister's audit of Porto Village Non-Profit Housing in Kingston finds that Andres's company Elvira was both property manager and development consultant for the Porto Village project.

The audit says: "Andres delegated key responsibilities such as tenant selection and the appointment of an external audit to Elvira. Porto's board did not meet regularly, nor were there annual elections of board members. There are also questionable expenses, including car rentals for trips."

The Kingston audit was completed in 1992. The period examined for the audit was from 1986 to 1992. Problems

involving Mr Andres go back at least eight years. Minister, why has it taken so long for corrective action? Where has your ministry been the last eight years while this man continues to move to other projects and other towns?

Hon Ms Gigantes: The ministry has been being managed by other governments, if you want a straight answer.

This government has tightened up the non-profit housing program of this province. The member for Mississauga South doesn't want to hear that, she doesn't want to believe that, but it is nevertheless a fact.

The reason she doesn't want to hear it is that she and her party don't believe there should be social housing in Ontario. They are wrong. We need social housing in Ontario and we need social housing that is operated by community-based groups.

If she's going to take a few very bad cases and try and tar a whole program that delivers decent, affordable housing to people who need housing assistance in this province, I think she should think again.

Mrs Marland: It's important for this minister to know what our party wants. Our party wants accountability in government. We want you to be responsible for what happens to public funds. All you can do is stand up day after day and parrot your same speech about how great your non-profit housing program is, while every day we hear a new scandal, every day something worse happens.

Non-profit housing in Ontario has become a sinkhole of corruption, mismanagement and the misuse of public funds. This spring we have raised one troubled non-profit project after another. There's Houselink in Toronto, Sunshine Home in Peterborough, the Van Lang Centre in Ottawa, McClure Community Homes in Hamilton, Cypriot Homes in Kitchener, Porto Village in Kingston, and there are more to come.

Earlier this week my leader asked for a judicial review of this non-profit program and, in doing so, to once and for all get to the bottom of the abuse, including criminal wrongdoing.

The Speaker (Hon David Warner): Could the member please place her question, please.

Mrs Marland: My question is this: Today we not only ask for that review, we demand it. Otherwise, we will never get to the bottom of this mess. Minister, will you announce today a judicial review of the provincial non-profit housing program?

Hon Ms Gigantes: It's quite remarkable how members of that party believe that they are actually producing news when they quote themselves about scandals. Who's called it a scandal? You've called it a scandal. There is nothing scandalous about the non-profit housing program of this province. It is a good program, delivering good housing to people who desperately need it. Now, they don't like it, but that's a different matter.

Interjections.

The Speaker: Has the Minister of Housing completed her remarks?

Hon Ms Gigantes: The public accounts committee has the non-profit program before it. It may frustrate the

member for Mississauga South that the public accounts committee has not proven—in fact, au contraire, it shows the way our program is changing. What is going before public accounts is knowledge that she might like to inform herself about: strict appraisal guidelines, requirements for title searches, guidelines for hiring development consultants, conflict-of-interest guidelines—has she heard of them?—the stringent site selection requirements that are all incorporated in our current non-profit housing program. That's the fact.

The Speaker: New question. Is there a second question?

Mr Michael D. Harris (Nipissing): The people who are frustrated are every taxpayer and every person on a waiting list for decent housing. That's who's frustrated.

GOVERNMENT'S AGENDA

Mr Michael D. Harris (Nipissing): My question is to the Premier. Premier, on May 3, we launched the Common Sense Revolution. We tabled our detailed plan to reduce the deficit and balance the Ontario budget in four years.

Yesterday the Canadian Chamber of Commerce revealed that 65% of entrepreneurs—those are the ones who provide and create all the private sector jobs—believe that debt and deficit reduction is the top barrier to building a sustainable business and to hiring more people. They also believe it's the number one issue driving interest rates higher in this country.

Premier, on this last day of the spring session, where you promised to create jobs in Ontario, could you tell the entrepreneurs who really create jobs what your detailed plan is to reduce the debt, to balance Ontario's budget and to begin paying down some of the \$80 billion of that horrendous debt that we're now carrying?

Hon Bob Rae (Premier): I'm delighted that the member has asked the question. I think the question of the debt in the country as a whole, as well as in Ontario, is an issue we all have to address. We're addressing it. We're addressing it in a way in which we can say with some confidence that in the last two years we've reduced the deficit by 30%.

We believe that the budget can in fact be balanced in four years, that it will take a more realistic approach to taxes than the honourable member is prepared to take. It will take a much tougher approach with respect to spending than any Tory government ever took from the time it came into office. We've demonstrated that.

I would say to the honourable member that living within our means, keeping a very tight rein on expenditures and expenditure control is the key to deficit reduction, not the kind of fad diet and absolute nonsense numbers and nonsense approach which are produced by the leader of the third party.

I haven't talked with anyone who's been in government from many different parties who takes the honourable member's views seriously at all.

Mr Chris Stockwell (Etobicoke West): Name names.

Hon Mr Rae: Out of deference to them, I won't. But I can tell the honourable member that when I talk to others—

The Speaker (Hon David Warner): Would the Premier conclude his response, please.

Hon Mr Rae: —I talk to people in business and they look at the kind of rhetoric and they look at the kind of exaggerated approach that's being taken, what they see is a rhetorical approach that doesn't deal with the issue.

Yes, we get deficits down. Yes, we get debts under control. We do it in a steady, responsible way, not in the kind of fad diet, fancy numbers, fancy footwork baloney that's being put forward by the leader of the third party. 1450

Mr Harris: I have not heard, other than the Premier and the Treasurer, one person in the world who thinks your spending is within its means, that you're living within its means. Not one entrepreneur, not one economist, not one moneylender, not one bond rating agency has ever agreed with your statement just made in this Legislature that you are living within your means. You clearly are not. The evidence is you are not. The numbers add up that you're not and nobody in the world believes you.

Let me quote as well from the chamber report, because the chamber report basically calls for the solutions almost verbatim—you would have thought they lifted it from the Common Sense Revolution as to the remedies they are calling for. You would have thought they lifted it.

The chamber report released today says: "Entrepreneurs"—that's what I said at first; these are the ones who create the private sector jobs. We understand there may be some theoretical, socialist academics who don't think private sector jobs are important—"believe that government spending levels must be reduced"—not do your ding-dangedest to maintain them, to control them; they must be reduced—"that firm targets for debt reduction must be set and that they are willing to play their part through the reduction and the elimination of government subsidies to business."

On page 13 of the Common Sense Revolution, we call for the reduction and elimination of subsidies to business.

The Speaker: Could the leader please place a question.

Mr Harris: Can you explain to me, Premier, when all the businesses are saying, "Stop the subsidies to business; fix the problem instead," why you continue to move in a direction that none of the entrepreneurs wants you to move in? Why do you continue to do that?

Hon Frances Lankin (Minister of Economic Development and Trade): Your party comes over to me every day and want subsidies for businesses in their ridings. The hypocrisy of it. Every day I get letters sent over to me from your caucus.

Mr Gary Carr (Oakville South): All you do is cut ribbons, Frances, that's all you do. You've got nothing else to do. You've done nothing.

Hon Mr Rae: I would like to say this to the honourable member: The member for Oakville—

Interjections.

The Speaker: Order.

Hon Mr Rae: The member from Oakville, who's out there shouting, just a year ago was over here saying to

me, "You've got to do something for Lear Seating or else we're not going to be able to attract the investment." He's the guy who was shouting from his chair.

Interjection.

Hon Mr Rae: Do you want me to share the correspondence? Do you want me to share the phone calls? You were the first person in my office begging, begging, begging—

Interjection.

The Speaker: Order.

Hon Mr Rae: —saying, "Please help this company come into my riding."

Interjection.

The Speaker: The member for Oakville South, please come to order.

Hon Mr Rae: "You've got to do something to make it come into my riding." So was your seatmate. I can point to every single member over there who's been over here saying to us: "Come on, get me a Jobs Ontario Training program. Get us into the riding."

Interjection.

The Speaker: The member for Oakville South, come to order.

Hon Mr Rae: You know it. You know it and your members know it. That's the truth.

Let me say directly to the honourable member who's asked the question, first of all the suggestion that's been made that the chamber of commerce would lift its suggestion from a partisan politician document is a charge which I'm sure the chamber will want to respond to. It's a very serious allegation and I'm sure the chamber will take it extremely seriously.

The Speaker: Could the Premier conclude his response, please.

Hon Mr Rae: The leader of the third party reminds me a little bit of the person who sings the national anthem before the hockey game and thinks that he singlehandedly has caused the game to start. I would say to the honourable member, the serious issue with respect to the question of when and how we create the programs that will continue to maintain and attract investment—the main program we have produced, of which we're very proud, which could be called a subsidy, and is, is the Jobs Ontario Training program.

The Speaker: Would the Premier please conclude his response.

Hon Mr Rae: That is the program we have put our money in. That's the program where we have invested and where we have now got 50,000 people working who were not working before. We've got more training going on. We've got more education going on—

The Speaker: Would the Premier please take his seat. Final supplementary.

Mr Harris: I would assume that the chamber arrived at the same commonsense solutions on their own, independent of our document. They just went out and listened to the people like we did and arrived at the same conclusion.

In response to the Premier's answer, I have not met a business person who didn't think he'd be better off to have his taxes cut to reduce the deficit than the silliness and the nonsense of the program that you just mentioned, the jobs training program. They think it's a joke. Sure, they take the 10 grand if you're going throw it around and waste it anyway, but to a person, every business person has told me it's a joke and it's a sham, and cut their taxes instead.

We recently surveyed 20,000 small businesses across Ontario; 92% of those who responded said their regulatory burden has increased in the past five years. Yesterday's chamber report ranks regulatory burden as the most important issue behind debt and taxes. Of course, after dealing with debt and taxes, we dealt in the Common Sense Revolution with the regulatory burden, and we commit to reduce the regulatory burden.

Premier, given that you, either in an advocate role in opposition or in government over the last four years, are responsible for the bulk of the red tape and regulation that businesses say are barriers to job creation, will you listen to the chamber report and begin to remove and reduce those barriers to job creation in this province?

Hon Mr Rae: I would say to the honourable member that on the issue of regulation, I can show you categorically how the length of time, for example, for environmental assessment has been cut dramatically in the province over the last three years, how the length of time for OMB hearings has been cut dramatically and substantially as well. We have to cut red tape. We have to cut the regulatory burden. That's exactly what we're doing. We're doing it in terms of small business. We're doing it in terms of cooperation with the federal government and with municipal governments.

I would say to him, generally, of course we believe that there needs to be a simplification of regulation. That's exactly what we're doing. But we're doing it; you're talking about it, shouting about, using all kinds of rhetorical examples about it. We're getting it done, and we're proud of the fact that we're getting it done.

HOTEL DIEU HOSPITAL

Mr James J. Bradley (St Catharines): This is for the Minister of Health. A delegation of concerned citizens from St Catharines has travelled to the Ontario Legislature today to express their alarm with the contents of a consultant's report that I described to you in the House the other day, a consultant's report that would have very significant ramifications for the Hotel Dieu Hospital in St Catharines, including the closing of the emergency department, a cut of \$10 million in the hospital's annual budget, the closing of 60 inpatient beds and a substantial reduction in the size of the Dieu's intensive care unit. Those are the medical consequences, and of course the job losses would be the economic consequences.

In view of the fact that people have taken the time to come to the Legislature today, that some 27,000, I am told, people have signed petitions objecting to this report—and I'll send these petitions over to the minister to have beside her to read at her leisure—would the minister assure the Legislature and the people of St Catharines that her ministry will not automatically accept

the consultant's recommendations, and that full consultation will take place with the Hotel Dieu Hospital before any move is made to implement these measures?

Hon Ruth Grier (Minister of Health): I appreciate the question because I know that the member and my colleague from St Catharines-Brock had a meeting today, and I certainly can understand the concern of residents in that community where I was visiting Hotel Dieu Hospital just some weeks ago about the report. But let me say today, as I've said before, that this is a consultant's report. No final decision has been taken and, yes, of course, there has to be full consultation, and I'm delighted to know that the district health council is doing that.

In this province, the planning and the recommendations are done at a local level precisely so that they can reflect local concerns, the individual circumstances in various parts of the province, and to provide a greater opportunity for the people in the community to enter into those consultations.

I understand a meeting has been set at which the consultant's report, which is just that, will be considered by the committee that is looking at rationalization of the hospitals. That's on June 29, and I'm delighted to learn that the district health council, I think, will be chairing that meeting, and I hope that all of the people who've expressed their concern to the member and to the member for St Catharines-Brock will share those concerns with the district health council, as I have no doubt they are already doing.

1500

Mr Bradley: While there are a number of issues to be addressed, as I described in my initial question to the minister and my question the other day, when the member for St Catharines-Brock and I met with the individuals, including, thankfully, a member from your office, for which the people were very appreciative, they mentioned that much of the attention is focusing on the potential closing of the emergency department.

In view of the fact that Hotel Dieu has renal dialysis, oncology, diabetes care and ophthalmology, all of which really require an emergency department, and in view of the fact that no doctor would be on call 24 hours a day if the emergency department were eliminated, and in view of the fact that in 1992, just two years ago, a study concluded that there was a need in the city of St Catharines for two emergency departments because the Dieu takes people from all over the Niagara Peninsula, would the minister not agree with me that it would be a very significant step to have the emergency department closed and would she not agree that with some 80,000 to 90,000 people requiring emergency care it would be inadvisable to close the Hotel Dieu emergency department?

Hon Mrs Grier: I think it would be premature for me to draw that conclusion today based on the information that I have. It's precisely because ministers perhaps don't make the best decisions if they only stay in Queen's Park and listen to officials in the ministry that my predecessor or the predecessor government, the member for Oriole, strengthened the role of district health councils in doing the planning and in making recommendations about services and about health care needs in districts. So I will

certainly read with great interest whatever recommendations come to me from the district health council, knowing the concerns that have been expressed to me by the member and by the member for St Catharines-Brock and by the people in St Catharines from whom I have heard.

But I want to say again that I'm very proud of the fact that we still have a locally based planning process in Ontario and what we have in St Catharines is a consultant's report. I don't think the district health council has yet considered it or come to a conclusion on it. They will need to do that in consultation with their community. That conclusion would be reviewed by the—

The Speaker (Hon David Warner): Could the minister conclude her response, please.

Hon Mrs Grier: —minister and then the advice will come to me. So there's a whole lot more work, consultation and analysis of fact that needs to be done before any conclusions are reached.

ANTI-RACISM FUNDING

Mr Michael D. Harris (Nipissing): My question is to the Minister of Citizenship. In March, Minister, you announced \$1.1 million in funding to organizations to fight racism, a laudable initiative, supported certainly I think by all members of this Legislature.

We've been having difficulty getting some information on some of the organizations that receive funding. I wonder if you can tell us what assurances you can give us, what criteria did organizations receive money, were there plans that were filed, were the organizations duly incorporated. Is there an auditing procedure to ensure that the funds are expended on what they were going to be spent upon? I wonder if you could tell us the program criteria that were there, the auditing procedures and the business plans or the proposals that were filed, and if you're satisfied that they were all in order and that we have assurances that money that we all want earmarked to fight racism is indeed being done to do that. Could you explain that, Minister?

Hon Elaine Ziemba (Minister of Citizenship and Minister Responsible for Human Rights, Disability Issues, Seniors' Issues and Race Relations): I thank the leader of the third party for his question and would like to assure him, to my understanding, that all the agencies that apply for funding in our ministry follow very strict criteria: that agencies must be incorporated, must be non-profit, must work very carefully with the consultants in the ministry to set out what they are going to do with the funding and to make sure that the funding that they've applied for is spent in the appropriate measure.

I think because it would take me a very long time in question period to answer all of the criteria and the mechanism and the process people go through to apply for funding, what I would like to offer the leader opposite would be all of our criteria and the process for applying for funding to our ministry. I'll be very pleased to get that for him and pass that over to him.

Mr Harris: I have a cheque which I'm going to send over to you, Minister. It is for \$13,500. It's payable to the National Council of Indigenous Afro-Metis. I'd like

you to have this cheque, because it certainly doesn't belong to me.

The cheque came to me from a person to whose address the cheque was delivered. It is a person who is away for extended periods of time. They brought it to me asking that I deliver it to its rightful owner or deal with it. They were very concerned that somebody may be using their address, because they're away a lot, as a false address.

We have tried to track down this organization. We finally did get through to your ministry, and after several phone calls, I believe eight different attempts, we got an acknowledgement that yes, a cheque was sent out to the organization. We've asked if we could have their phone number or their mailing address. They said: "No, it's a personal address. We can't give you that information." We asked if we could have the plan by which they plan to spend the money. To date, we have received none of this.

The cheque as you can see is made out to the National Council of Indigenous Afro-Metis. It is at an address which I don't wish to disclose, because the woman who lives at it—I don't think it's fair to give her address out to any one.

Nine phone calls to your ministry, a library search and the phone book were unable to give me details of this organization.

The Speaker (Hon David Warner): Could the leader place a question, please.

Mr Harris: My staff were just informed about five minutes ago that the woman who runs the organization uses her home phone number, and were refused the number, were refused any information.

Can you assure us that this cheque and the balance of \$1 million that you gave out is ending up in the appropriate hands, is being spent appropriately, that in fact there is an auditing procedure in place to ensure that this \$1 million is indeed fighting racism and not going to any phoney organizations at phoney addresses?

Hon Ms Ziemba: I thank you actually for bringing this to my attention, because certainly any money that we spend to fight racism and discrimination should go to the appropriate places and should be working towards ending discrimination. So I thank you for bringing this to my attention.

I am very upset to hear that you had to place so many calls to the ministry to get a response. I certainly give you my personal opinion that this will not occur again.

I give you my assurance that I will look into this immediately. I presume the staff at the ministry are watching question period. I will give you a detailed approach of how first the criteria were set up, how the process is done, the auditing. I will make sure you get a detailed list of all the agencies that have applied for funding, how they were decided upon, what they did with their dollars. I will give you all that information, because it is public opinion and it is public tax dollars, and I would want to make sure that this is open. It is FOI-able obviously, so we have nothing to hide from this. You have my assurance that I will give this all to you.

I also am very concerned why it took eight phone calls or nine or whatever you said. I find that completely unapproachable and I will not tolerate that type of action.

RAIL SERVICE

Mr Paul Wessinger (Simcoe Centre): My question is to the Minister of Economic Development and Trade and relates to railway service both in my own community and the nearby community of Collingwood.

Last week, the National Transportation Agency ruled to extend by two years the life of the Meaford subdivision, which provides rail service between Barrie and Collingwood. This decision was certainly welcome news in Simcoe county because of the importance of the line to our local economy. Many people in the country worked long and hard on the issue and they should be aware that their efforts contributed greatly to the positive outcome achieved.

My question is whether any progress had been made with regard to finding prospective purchasers of the Meaford line so as to ensure continued service beyond the next two years.

Mr Gregory S. Sorbara (York Centre): Tell us what a good job you're doing.

Hon Frances Lankin (Minister of Economic Development and Trade): The member for York Centre wants me to tell him what a good job I'm doing on this file, so I will.

1510

I thank the member for his question. In fact, he's quite right that the National Transportation Agency of Canada decision, while we welcome it—it is very good news—is not a long-term solution to the situation in Meaford or to any of the other lines that are being considered by CN or CP for abandonment at this point in time.

The ministries of Transportation, Labour, and Economic Development and Trade will continue to work with those communities and with the potential investors and the trade unions involved to try to find a solution, and particularly for Meaford, given that it was one of the first communities up for proposed abandonment. We will continue to work on it. Yes, we have a two-year window, but I think it would be irresponsible to step back and not to continue to pursue a solution at this point in time.

I can assure the member and the communities that we will do that. Staff will continue to be in touch with people within your community. There is in fact progress where there have been some potential investors who have visited the community. There have been meetings with the unions involved. While we don't have a solution yet, we are certainly moving in that direction.

Mr Wessinger: Yes, Minister, I certainly recognize the work that your ministry has been doing in this area, but I think we should recognize that there has to be a broader approach with respect to the whole question of rail service within the province of Ontario. I'd like to know what your ministry is doing with respect to determining a long-term solution to the whole question of the short-line rail situation and rail abandonment in the province.

Hon Ms Lankin: One of the things that's important

about the National Transportation Agency decision is that it did recognize the economic viability of in particular this short-line operation, but of short-line operations. It said to CN, the major operator in this circumstance, that there's a responsibility for them to try to work with the communities to find that economic solution.

In the long term, I would say to the member that from the point of view of our ministry, we will continue to work to try and find solutions for those lines which do have a future, which are economically viable and where industry and others rely on those lines for shipment of goods to market.

There is a larger issue with respect to CN and CP and mergers and abandonment of lines, and I think that the Minister of Transportation, who has the lead on those issues, will continue to meet with the two major rail agencies. But it is a challenge for Ontario communities, many of which will have no passenger service, given that we've lost many air services to northern communities and will in the future perhaps lose rail services as well.

So I assure the member—

The Speaker (Hon David Warner): Could the minister conclude her response, please.

Hon Ms Lankin: —we're looking at a solution for the viable short-line operations, and the Minister of Transportation will continue to have the lead with respect to the other rail abandonment issues.

SOCIAL ASSISTANCE REVIEW BOARD

Mrs Yvonne O'Neill (Ottawa-Rideau): My question is to the Minister of Community and Social Services. Mr Minister, you know that positions to SARB, the Social Assistance Review Board, have traditionally been advertised in local newspapers, and qualified applicants have been hired on merit.

But we now hear that the appointments to this board, like so many others, have become a reward for the NDP faithful, made directly from a short list from the Premier's office. I have copies of several letters to the Premier and indeed to other members of his cabinet questioning this new appointment process to the Social Assistance Review Board and indeed to civil service positions. Why is the NDP government so bent on crippling and hampering the independent work of the Social Assistance Review Board?

Hon Tony Silipo (Minister of Community and Social Services): I'm not sure what information the member opposite is basing that assertion on. I can tell her that as we speak, interviews are going on and have been going on for the last little while to fill the vacancies that we anticipate will be there, a couple of vacancies that exist and others that will be coming up in the fall. That interview is involving the chair of the board and I believe one other member of the Social Assistance Review Board as well as someone from my staff who's in charge of appointments and someone, I believe, from the appointments secretariat. That's a process that's been worked out to the satisfaction of people.

The people who are being interviewed have come through a process of short-listing. They have taken into account people who have applied over the last number of

years and who have expressed an interest in that, as well as receiving applications from all sorts of places. Far from trying to restrict the kind of search that we are doing, we are trying to broaden it and trying to get the vacancies that are coming up filled by the most competent people we can find to fulfil this very important function.

Mrs O'Neill: I hope your efforts are successful, but it's not what we're hearing out in the field from very reputable people. The expense and inconvenience of backlogs at the Social Assistance Review Board have been brought to your attention often. The average waiting period at SARB is still eight months and indeed could lengthen as a result of the many new appointments that are upcoming, some of them I think politically motivated.

The cost of the delays is \$8 million in 1994, \$8 million that can't be recovered. At present there is confusion over reappointments, there's inexperience of the new members whom you're talking about and I'm talking about and who must be observers for their first year, and we know that the board membership is not at its full complement. When will you provide the Social Assistance Review Board with the resources and the independence that its mandate demands?

Hon Mr Silipo: I have to take some offence at the accusation that I'm interfering with the independence of the Social Assistance Review Board. That is completely ludicrous. I have gone out of my way to ensure that the board functions completely at arm's length, as it should function, from the minister's office and from the ministry.

We have in fact listened, as closely as we have been able to, to the advice from the Social Assistance Review Board, from the chair of the board, with respect to the issues of resourcing the board. There are some issues that we need to work out. We are working with the chair to try to address those, including the issue of replacement of members whose second term is coming up and therefore who are not being reappointed.

We had, as I'm sure the member would be aware, in the omnibus bill that my colleague the Attorney General was presenting, a provision to allow us to renew appointments for less than a three-year term. We have a standard practice that says that after two terms we would only reappoint people in very unusual circumstances, that we would normally replace people who have served, and served well, for six years.

The Speaker (Hon David Warner): Could the minister conclude his response, please.

Hon Mr Silipo: We are following the practice that has been used by previous governments as well. It's not a practice that we've introduced; it's something that's been there. On the issue of resources, we are moving quickly—

The Speaker: Would the minister please conclude his response.

Hon Mr Silipo: —to identify people who will replace those people whose appointments run out later this year, so that we have that overlap before those folks finish their term on the board exactly to help us address the issues of service to the board.

The Speaker: Could the minister take his seat, please. New question. The honourable member for Leeds-Grenville.

Mr Robert W. Runciman (Leeds-Grenville): I just want to point out, Mr Speaker, that the last two questions and answers have taken almost nine minutes.

FEDERAL GOVERNMENT POLICY

Mr Robert W. Runciman (Leeds-Grenville): I have a question for the Solicitor General. Following the shooting of Metro constable Todd Baylis—

Interjections.

Mr Runciman: Apparently the members of the government don't want to listen to this question.

The Speaker (Hon David Warner): Order.

Mr Runciman: Following the shooting of Metro Toronto police constable Todd Baylis, the Toronto Star had an editorial talking about the fact that the immigration officials had failed to follow up on the deportation of the individual charged with the constable's death. I'm quoting:

"Had Gayle been deported as ordered, he couldn't have been in a gun fight here.

"And for Todd Baylis, just 25, Thursday might have been just another night on the beat.

"For now, for ever, his death will serve as a brutal reminder of the dangers of policing.

"Our government has no right to make that job harder."

As the top police officer in this province, you know this is a significant concern of police officers whom you represent at the provincial government level. What are you doing in that role to convey those concerns to the federal government?

Hon David Christopherson (Solicitor General and Minister of Correctional Services): It doesn't surprise me that the member will try anything to try to make an issue part of the provincial agenda. This is just an example of that.

The fact of the matter is, with great respect, the issue is one of how immigration officials conduct their business, the policies that are there. Any interaction they have with the police are done at a local level through the local police service chief and the police service board. Obviously, if there are issues that need to be addressed by my ministry as a result of those contacts or those initiatives, we are always there to assist and provide advice.

Also, I might say that if there's a specific proposal along the lines that the member is mentioning, then we would certainly respond to that. That is always our position on matters of public safety.

1520

Mr Runciman: I appreciate the opportunity, because indeed I do have a specific suggestion to make. Later today, I'm going to be tabling a resolution in this House, and I want to read it:

"The Legislative Assembly of the province of Ontario, sharing the public's concerns about the level of violent crime in our society and to support our law enforcement

officers' demands that the federal government of Canada amend the Immigration Act to provide for the automatic, non-appealable deportation of any landed immigrant or refugee who is

"(a) convicted of a criminal offence involving violence where the conviction results in a sentence of six months or more;

"(b) convicted of a criminal offence involving the use of a weapon or the possession of an illegal weapon where the conviction results in a sentence of six months or more; or

"(c) has more than three criminal convictions."

Minister, I'm going to table this resolution in the House later today. Will you and your colleagues agree to unanimous consent to immediately pass this resolution today and send the right message to the federal government, to police officers of this province and the public, who are very concerned about this problem?

Interjections.

The Speaker: Order. Minister.

Hon Mr Christopherson: I think I, as well as the honourable member, do speak on behalf of all members of this place, in fact all Ontarians, when we talk about the great loss we feel with regard to the tragedy that happened last week, and in fact we did take the time in this Legislature to take a moment to reflect on that and show our respect and feelings to the family.

Mrs Margaret Marland (Mississauga South): Will you do more than words?

The Speaker: The member for Mississauga South is out of order.

Hon Mr Christopherson: I don't for a moment want to suggest that the honourable member is being anything other than sincere in his offer of wanting to assist the federal government in taking what he believes is the right kind of action it should take. But I also sincerely believe that no one expects that upon rising in his place and reading out a resolution once, there's going to be some kind of indication from me or anyone else as to what we can or cannot support.

He knows there are ongoing discussions with the House leaders with regard to what the agenda will look like on the last day. If he has tried through that route to see if there's any way of doing this, I don't know, but certainly something of this significance requires more than just me answering a question in the House before we commit.

But let me say this: I think I can speak for this government when I say that we're as concerned—

Mr Runciman: Do you want to support it or not?

The Speaker: The member for Leeds-Grenville, please come to order.

Hon Mr Christopherson: —about any system that doesn't provide the public, and particularly our police officers, with the absolute amount of protection that we can in our responsible roles as legislators, and that means all of us.

CORRECTION

Mr Murray J. Elston (Bruce): On a point of privi-

lege, Mr Speaker: I have to report that I misread, or at least I misstated myself, when I was reading from some of the material sent to me by Ms Pretty in my first question. I had indicated James Wallace had been writing for the Ottawa Citizen, and unfortunately it says quite clearly here it is the Ottawa Sun. I apologize to Mr Wallace, to the Sun and the Citizen for any error or mistake that may have caused problems for the reporter.

Interjections.

The Speaker (Hon David Warner): I appreciate the member correcting his own record.

Mr Elston: The Minister of Housing wishes me to apologize for her as well, but I can't.

MOTIONS

COMMITTEE SUBSTITUTIONS

Hon Brian A. Charlton (Government House Leader): I move that the following substitutions be made to the membership of the standing committees:

On the standing committee on administration of justice, Mr Wilson (Kingston and The Islands) for Ms Akande; on the standing committee on government agencies, Mr Ferguson for Mr Mammoliti; on the standing committee on the Ombudsman, Mr Wood for Ms Akande; and on the standing committee on resources development, Mr Ferguson for Mr Wilson (Kingston and The Islands).

The Speaker (Hon David Warner): Is it the pleasure of the House that the motion carry? Carried.

PETITIONS

MENTAL HEALTH SERVICES

Mr Tony Ruprecht (Parkdale): I have a petition addressed to the Parliament of Ontario and it reads:

"Whereas the NDP government is hell-bent on establishing a 20-bed forensic facility for the criminally insane at the Queen Street Mental Health Centre; and

"Whereas the nearby community is already home to the highest number of ex-psychiatric patients and social service organizations in hundreds of licensed and unlicensed rooming houses, group homes and crisis care facilities in all of Canada; and

"Whereas there are other neighbourhoods where the criminally insane could be assessed and treated; and

"Whereas no one was consulted, not the local residents, not the business community, not the leaders of community organizations, not the education and child care providers, and not even," it says here, "the NDP member of provincial Parliament for Fort York;

"We, the undersigned residents and business owners of our community, urge this NDP government of Ontario to immediately stop all plans to accommodate the criminally insane in an expanded Queen Street Mental Health Centre until a public consultation process is completed."

I sign my signature to this petition.

FIREARMS SAFETY

Mr Jim Wilson (Simcoe West): I have a petition addressed to the Ontario Premier Bob Rae, Solicitor General David Christopherson, and the Legislative Assembly of Ontario.

"Whereas we want you to know that we are strenuous-

ly objecting to your decision on the firearms acquisition certificate course and examination; and

"Whereas you should have followed the Ontario Federation of Anglers and Hunters' advice and grandfathered those of us who have already taken safety courses and/or hunted for years—we are not unsafe and we are not criminals; and

"Whereas we should not have to take the time or pay the costs of another course or examination and we should not have to learn about classes of firearms that we have no desire to own;

"We, the undersigned, petition Premier Bob Rae, Solicitor General David Christopherson and the Legislative Assembly of Ontario as follows:

"Change your plans, grandfather responsible firearms owners and hunters and only require future first-time gun purchasers to take the new federal firearms safety course or examination."

I have signed that petition, as have a number of people from my riding from Alliston, Collingwood, Creemore, Dunedin, Shelburne and Glencairn.

PSYCHOLOGISTS

Mr David Winninger (London South): I have a petition with hundreds if not thousands of names, addressed to the Legislative Assembly of Ontario.

"Whereas the Ministry of Health commissioned a steering committee to make recommendations concerning a new Public Hospitals Act;

"Whereas the steering committee delivered its recommendations to the Minister of Health in February 1992; and

"Whereas the recommendations have not been implemented, as a result of which, psychologists continue to be unable to access hospital services on behalf of their patients;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Legislative Assembly should enact a new Public Hospitals Act or, in the alternative, enact amendments to the existing Public Hospitals Act to enable psychologists to be appointed to the professional staff of public hospitals; to admit, register and discharge patients; and to write orders for treatment and diagnostic procedures; and

"Until such amendments are enacted and proclaimed into law, regulations should be made under the Public Hospitals Act to enable psychologists to be appointed to the medical staff of public hospitals, to admit, register and discharge patients, and to write orders for treatment and diagnostic procedures."

I support this petition and have affixed my signature thereto.

EDUCATION FINANCING

Mr John Sola (Mississauga East): I have received a wide variety of petitions from my constituents of Mississauga East, all expressing the same concerns in their own way: namely, that the government provide equal funding for assessment-poor boards of education. There are about 50 names in this batch. Since I agree with their concerns, I am happy to add my name to the list as a show of support.

ADOPTION

Mr John C. Cleary (Cornwall): I have a petition signed by more than 200 residents of eastern Ontario and it reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas the Adoption Reform Coalition of Ontario brings together various organizations to recommend reform of Ontario adoption law based on honesty, openness and integrity; and

"Whereas the current system of adoption information is discriminatory, physiologically cruel and expensive, with long waiting periods for results;

"We petition the Legislature of Ontario to enact revision of the Child and Family Services Act to move as quickly as possible to permit unrestricted access to full personal identification information to adopted persons."

I have also affixed my signature to this petition, and it's signed by over 200 residents of my community.

1530

HEALTH INSURANCE

Mrs Elizabeth Witmer (Waterloo North): I have a petition from Mr and Mrs Ritz in Waterloo:

"Whereas the provincial government has recently slashed health coverage by 75% for Ontario citizens who are hospitalized out of the country;

"Whereas this reduction in coverage will affect all Ontarians but will have the greatest impact upon seniors, many of whom travel south of the border for important health care reasons and who will be forced to absorb a tremendous hike to their health insurance premiums;

"Whereas the government has justified its decision on the basis of not wanting to pay exorbitant hospital costs, even though currently out-of-country hospital coverage is based solely on the rates charged by Ontario hospitals;

"Whereas the reduction in out-of-country hospitalization coverage below the rates charged by Ontario hospitals represents an indisputable violation of sections 7 and 11 of the Canada Health Act;

"Whereas the Ontario Progressive Conservative Party makes the preservation of medicare a priority in its Common Sense Revolution party document;

"Therefore, we petition the government of Ontario to act in a fair and just manner by preserving the sacred principles of medicare and to immediately restore out-of-country hospitalization coverage to the rates charged by hospitals in Ontario."

I am pleased to sign this as well.

SEXUAL ORIENTATION

Mr Bob Huget (Sarnia): I have a petition to the Legislative Assembly of Ontario and it's been signed by 23 of my constituents. The petitioners are requesting that private member's Bill 45 standing in the name of the member for St George-St David not be passed by the Ontario Legislature.

TOBACCO PACKAGING

Mr Bruce Crozier (Essex South): I have a petition signed by some 45 citizens, a petition to the Legislative

Assembly of Ontario in support of plain packaging of tobacco products:

"Whereas more than 13,000 Ontarians die each year from tobacco use; and

"Whereas Bill 119, Ontario's tobacco strategy legislation, is currently being considered by the Legislative Assembly; and

"Whereas Bill 119 contains the provision that the government of Ontario reserves the right to regulate the labelling, colouring, lettering, script, size of writing or markings and other decorative elements of cigarette packaging; and

"Whereas independent studies have proven that tobacco packaging is a contributing factor leading to the use of tobacco products by young people; and

"Whereas the government of Ontario has expressed its desire to work multilaterally with the federal government and the other provinces, rather than act on its own, to implement plain packaging of tobacco products; and

"Whereas the existing free flow of goods across interprovincial boundaries makes a national plain-packaging strategy the most effective method of protecting the Canadian public;

"Therefore we, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario continue to work with and pressure the government of Canada to introduce and enforce legislation calling for plain packaging of tobacco products at the national level."

I affix my signature to this petition.

NATIVE HUNTING AND FISHING

Mr Bill Murdoch (Grey-Owen Sound): I have a petition to the Legislative Assembly of Ontario which was given to me by my good friend from Parry Sound and has many signatures from that area:

"Whereas in 1923 seven Ontario bands signed the Williams Treaty, which guaranteed that native peoples would fish and hunt according to provincial and federal conservation laws like everyone else; and

"Whereas the bands were paid the 1993 equivalent of \$20 million; and

"Whereas the treaty was upheld by Ontario's highest court last year; and

"Whereas Bob Rae is not enforcing existing laws which prohibit native peoples from hunting and fishing out of season; and

"Whereas this will put at risk an already pressured part of Ontario's natural environment;

"We, the undersigned, adamantly demand that the government honour the principles of fish and wildlife conservation to respect our native and non-native ancestors and to respect the Williams Treaty."

AFFORDABLE HOUSING

Mr Larry O'Connor (Durham-York): I've got a petition that I've been asked to present on behalf of the Minister of Housing, a petition in support of CUPE York region and the housing cooperative:

"CUPE York Region District Council is sponsoring a housing cooperative in the town of Newmarket in order to provide affordable housing for their members and the general public.

"During the past six years, many attempts have been made to secure funding from the Ministry of Housing, and a further application is being considered by the ministry at this time. Please indicate your support of our co-op by signing below.

"To the Minister of Housing:

"In support of the development of cooperative non-profit housing and, in particular, I am aware of the need of affordable housing within York region.

"Therefore, I support the application for funding of the CUPE York region housing cooperative to be located within the town of Newmarket."

It's got signatures from around the province, including Charlie Stock from Kingston, and a further petition to be presented from the women and from Stangate.

KETTLE ISLAND BRIDGE

Mr Robert V. Callahan (Brampton South): On behalf of my good friend Mr Gilles Morin of Ottawa, I'm pleased to file a petition which is addressed to the Parliament of Ontario, signed by numerous people from my good friend's riding. It states as follows:

"Whereas the government of Ontario has representation on JACPAT (Joint Administrative Committee on Planning and Transportation for the National Capital Region); and

"Whereas JACPAT has received a consultants' report recommending a new bridge across the Ottawa River at Kettle Island which would link up to Highway 417, a provincial highway; and

"Whereas the city and regional councils of Ottawa, representing the wishes of citizens in the Ottawa region, have passed motions rejecting any new bridge within the city of Ottawa because such a bridge and its access roads would provide no benefits to Ottawa but would instead destroy existing neighbourhoods,

"We, the undersigned, petition the Parliament of Ontario as follows:

"To reject the designation of a new bridge corridor at Kettle Island or at any other location within the city of Ottawa core."

I've sent, through the page, a number of cards over to the Minister of Municipal Affairs, and we put some on the Minister of Transportation's desk.

SEXUAL ORIENTATION

Mr Ted Arnott (Wellington): I have a petition on Bill 45 and it reads as follows:

"We, the undersigned, are strongly opposed to Bill 45 which seeks to change the definition of marriage and include homosexual relationships. We believe that the legal and moral ramifications upon our society would be horrific. Please revoke the definition of marriage and family as we know it and so protect the future of our nation."

It's signed by quite a number of my constituents and I, like them, am opposed to Bill 45.

ACCESS TO LAKES

Mr Gilles Bisson (Cochrane South): I have a petition signed by some 5,700 residents of northern Ontario from communities from Sudbury, Foleyet, Gogama, Timmins, Star Lake and Kapuskasing.

"We, the undersigned, object that the Ministry of Natural Resources restrict northerners from using motorized vehicles to gain access to fishing in northern Ontario lakes."

I affix my signature.

HEALTH INSURANCE

Mrs Joan M. Fawcett (Northumberland): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Ontario government has announced its intention to reduce emergency coverage for out-of-country health care on June 30, 1994;

"Whereas the citizens of Ontario are entitled to health coverage no matter where they are with payment made on the basis of the amount that would be paid for a similar service in the province;

"Whereas the Canada Health Act entitles all Canadians to health care on an equal basis;

"Whereas this decision by the Minister of Health is in direct contravention of the Canada Health Act;

"We, the undersigned, petition the Legislature of Ontario to ensure the Minister of Health follows the provisions of the Canada Health Act and prevent further erosion of our health care system in Ontario."

I've signed the petition.

FIREARMS SAFETY

Mr Leo Jordan (Lanark-Renfrew): I have a petition to the Legislative Assembly of Ontario.

"Whereas we want you to know that we are strenuously objecting to your decision on the firearms acquisition certificate course and examination; and

"Whereas you should have followed the OFAH advice and grandfathered those of us who have already taken safety courses and/or hunted for years—we are not unsafe and we are not criminals; and

"Whereas we should not have to take the time or pay the costs of another course or examination and we should not have to learn about classes of firearms that we have no desire to own;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Change your plans, grandfather responsible firearms owners and hunters and only require future first-time gun purchasers to take the new federal firearms safety course or examination."

That's signed by over 700 constituents from Lanark and Renfrew counties and I affix my signature.

1540

SEXUAL ORIENTATION

Mr Mark Morrow (Wentworth East): To the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly of Ontario not to amend the Human Rights Code as proposed in Bill 45."

HEALTH CARE

Mrs Joan M. Fawcett (Northumberland): To the Legislative Assembly of Ontario;

"We, the undersigned, are aware that because of rising costs in health care, reductions in hospitals beds and duplication of service have to be controlled. We are totally against any further reductions in health care at Trenton Memorial Hospital. We demand a full-service hospital that meets the needs of our community."

The Acting Speaker (Mr Noble Villeneuve): This completes the time allotted for petitions. I want to remind all members that petitions can be tabled with the Clerk of the Legislature at any time. The Legislature does not have to be sitting. It can be tabled with the Clerk at any time. I invite members to do that in the event that this could be the last sitting for this particular session.

REPORTS BY COMMITTEES

STANDING COMMITTEE

ON REGULATIONS AND PRIVATE BILLS

Ms Haeck from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr122, An Act respecting the City of Windsor

Bill Pr113, An Act respecting the County of Lambton.

Your committee begs to report the following bills, as amended:

Bill Pr28, An Act respecting the City of Ottawa

Bill Pr124, An Act respecting the Township of Seymour

Bill Pr127, An Act respecting the Town of Dresden.

Your committee recommends that the following bill be not reported:

Bill Pr123, An Act respecting the Township of Sidney.

The Acting Speaker (Mr Noble Villeneuve): Shall the report be received and adopted? Agreed.

STANDING COMMITTEE

ON ADMINISTRATION OF JUSTICE

Mr Marchese from the standing committee on administration of justice presented the committee's Report on Control of Ammunition and Community-Based Crime Prevention Initiatives and moved the adoption of its recommendations.

Mr Rosario Marchese (Fort York): Very briefly, as we all know, in recent months there have been a number of shocking incidents which have confirmed fears about the increasingly random nature of violent crime in this province. While the sources of violent crime and crime statistics can be debated, the clear message received by the committee during its public hearings was that the public wants governments at all levels to take immediate action to address the problem of violent crimes.

The committee's report, which received unanimous support from the committee members, sets out a number of steps the committee feels the Ontario government can take in response to the public concerns. Specifically, the report contains recommendations for provincial ammunition

tion control legislation, recommendations for federal initiatives in this area and describes a number of community-based crime prevention initiatives that could be considered by communities throughout Ontario.

On behalf of the committee, I would like to thank those individuals and groups who, on short notice, shared their expertise and experience with the committee during its public hearings. I would also like to thank the clerk of the committee, Ms Donna Bryce, for her able administration of the committee's proceedings, as well as the rest of the committee's staff support.

The Acting Speaker (Mr Noble Villeneuve): Would the honourable member move adjournment of the debate?

Mr Marchese: Yes, Mr Speaker.

The Acting Speaker: Mr Marchese moves adjournment of the debate. Is it the pleasure of the House that the motion carry? Agreed.

INTRODUCTION OF BILLS

Mr Tony Martin (Sault Ste Marie): Mr Speaker, I move to introduce a private bill, An Act respecting the Ontario Professional Planners Institute, for first reading.

The Acting Speaker (Mr Noble Villeneuve): Mr Martin moves to introduce a private bill, An Act respecting the Ontario Professional Planners Institute, for first reading. Is it the pleasure of the House that the motion carry? Carried.

I'm advised by the clerk that the bill, in its present form, is not in order.

Hon David Christopherson (Solicitor General): Mr Speaker, I understand we have unanimous consent to introduce a bill without a compendium at this time.

The Acting Speaker: Do we have unanimous consent to introduce a bill through the Solicitor General? Agreed.

AMMUNITION REGULATION ACT, 1994

LOI DE 1994 SUR LA RÉGLEMENTATION DES MUNITIONS

On motion by Mr Christopherson, the following bill was given first reading:

Bill 181, An Act to regulate the Purchase, Sale and Provision of Ammunition / Projet de loi 181, Loi réglementant l'achat, la vente et la fourniture de munitions.

Hon David Christopherson (Solicitor General): Very briefly, I want to acknowledge the cooperation and support of all members of this House. This was an effort flowing from the report of the honourable member for Fort York, who reported on the cooperation and support that happened at committee.

Today, this bill will allow this Legislature to set aside the usual rules to move on a matter of great importance to public safety that we all have agreement on in terms of what should happen.

Very shortly, the bill will spell out three requirements for the purchase of ammunition that are now not in place. Firstly, the age will be 18 in the province of Ontario, not 16, as spelled out in the federal legislation. Secondly, photo ID will have to be produced to prove that the persons presenting themselves are of the legal age required in the new law. Thirdly, retailers will be respon-

sible for keeping a record of the transactions so that we have an ability to ensure there is compliance with these new regulations.

I think I speak on behalf of all members when we also look to the federal government, we now having done the job that we can do as far as the Constitution will allow us, to continue to do the job and to finish the work that needs to be done to make our communities as safe as possible as it relates to the issue of the sale and purchase and possession of ammunition.

Mr Robert W. Runciman (Leeds-Grenville): On a point of order, Mr Speaker: Earlier today, I tabled a resolution which conveys the feelings, I believe, of most Ontario residents and certainly the policing community in respect to, following the death of Constable Todd Baylis in Metro Toronto, a breakdown of the immigration and deportation system. This is a resolution—it is not a bill—and it simply uses the Legislature as a vehicle for the views and feelings, strong feelings, of Ontarians and police officers right across this province.

I'm asking today for unanimous consent of all parties to pass this resolution. It can be done quickly, even with a voice vote, right now. I'm asking for unanimous consent. If the people of this province want their legislators to represent them, this represents the views of the people of Ontario. I'm simply asking for unanimous consent to pass it today, right now.

Interjections.

The Acting Speaker (Mr Noble Villeneuve): Order. We have a request by the member for Leeds-Grenville for unanimous consent to present a resolution. Do we have unanimous consent?

Mr Anthony Perruzza (Downsview): Absolutely not.

Interjections.

The Acting Speaker: We do not have unanimous consent.

Mr Runciman: The NDP member for Downsview is the only negative voice I heard, and I want that on the record.

The Acting Speaker: Order. We do not have unanimous consent.

TOBACCO CONTROL ACT, 1993

LOI DE 1993 SUR LA RÉGLEMENTATION DE L'USAGE DU TABAC

Deferred vote on the motion for third reading of Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to Regulate its Sale and Use by Others / Projet de loi 119, Loi visant à empêcher la fourniture de tabac aux jeunes et à en réglementer la vente et l'usage par les autres.

The Acting Speaker (Mr Noble Villeneuve): Before we go to orders of the day, we have a deferred vote on Bill 119, a five-minute bell. Call in the members.

Hon Ed Philip (Minister of Municipal Affairs): There has been some agreement and I ask consent to dispense with the division and to have a voice vote on Bill 119.

The Acting Speaker: Do we have unanimous agreement for a voice vote on Bill 119? Agreed.

Mr Anthony Perruzza (Downsview): A point of order, Mr Speaker.

The Acting Speaker: We are now in a voting mode. We will deal with your point of order immediately thereafter.

We are now dealing with third reading of Bill 119.

All those in favour of Bill 119, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

The member for Downsview on a point of order.

Mr Perruzza: It's not a point of order but rather a point of principle, or a point of privilege; I'm sorry, privilege.

The Acting Speaker: There are points of personal privilege and points of order. Points of principle are not considered.

Mr Perruzza: On a point of privilege, Mr Speaker: Given that I was named on a voice vote when you asked for unanimous consent by the member for Leeds-Grenville, I would certainly be interested in looking at any resolution that would improve the situation—

The Acting Speaker: It will be on the notice paper.

Interjections.

The Acting Speaker: Order. Please take your seat. It will be on the notice paper. The member will have the opportunity in due course to look at the resolution.

Report continues in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor/Lieutenant-gouverneur: Lt Col The Hon/L'hon Henry N.R. Jackman CM, KSJ, BA, LLB, LLD
Speaker/Président: Hon/L'hon David Warner

Clerk/Greffier: Claude L. DesRosiers

Senior Clerk Assistant and Clerk of Journals/Greffier adjoint principal et Greffier des journaux: Alex D. McFedries

Clerk Assistant and Clerk of Committees/Greffière adjointe et Greffière des comités: Deborah Deller

Sergeant at Arms/Sergent d'armes: Thomas Stelling

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma	Wildman, Hon/L'hon Bud (ND) Minister of Environment and Energy, minister responsible for native affairs / ministre de l'Environnement et de l'Énergie, ministre délégué aux Affaires autochtones	Grey-Owen Sound	Murdoch, Bill (PC)
Algoma-Manitoulin	Brown, Michael A. (L)	Guelph	Fletcher, Derek (ND)
Beaches-Woodbine	Lankin, Hon/L'hon Frances (ND) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce	Halton Centre/Centre	Sullivan, Barbara (L)
Brampton North/-Nord	McClelland, Carman (L)	Halton North/-Nord	Duignan, Noel (ND)
Brampton South/-Sud	Callahan, Robert V. (L)	Hamilton Centre/Centre	Christopherson, Hon/ L'hon David (ND) Solicitor General and Minister of Correctional Services / solliciteur général et ministre des Services correctionnels
Brant-Haldimand	Eddy, Ron (L)	Hamilton East/-Est	Mackenzie, Hon/L'hon Bob (ND) Minister of Labour / ministre du Travail
Brantford	Ward, Hon/L'hon Brad (ND) Minister without Portfolio, Ministry of Finance / ministre sans portefeuille, ministère des Finances	Hamilton Mountain	Charlton, Hon/L'hon Brian A. (ND) Chair of the Management Board of Cabinet, government House leader and minister responsible for the automobile insurance review / président du Conseil de gestion, leader parlementaire du gouvernement et ministre délégué à l'Assurance-automobile
Bruce	Elston, Murray J. (L)	Hamilton West/-Ouest	Allen, Hon/L'hon Richard (ND) Minister without Portfolio, Ministry of Economic Development and Trade / ministre sans portefeuille, ministère du Développement économique et du Commerce
Burlington South/-Sud	Jackson, Cameron (PC)	Hastings-Peterborough	Buchanan, Hon/L'hon Elmer (ND) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Cambridge	Farnan, Hon/L'hon Mike (ND) Minister without Portfolio, Ministry of Education and Training / ministre sans portefeuille, ministère de l'Éducation et de la Formation	High Park-Swansea	Ziamba, Hon/L'hon Elaine (ND) Minister of Citizenship, minister responsible for human rights, disability issues, seniors' issues and race relations / ministre des Affaires civiques, ministre déléguée aux Droits de la personne, aux Affaires des personnes handicapées, aux Affaires des personnes âgées et aux Relations interraciales
Carleton	Sterling, Norman W. (PC)	Huron	Klopp, Paul (ND)
Carleton East/-Est	Monin, Gilles E. (L)	Kenora	Miclash, Frank (L)
Chatham-Kent	Hope, Randy R. (ND)	Kingston and The Islands / Kingston et Les Îles	Wilson, Gary (ND)
Cochrane North/-Nord	Wood, Len (ND)	Kitchener	Ferguson, Will (ND)
Cochrane South/-Sud	Bisson, Gilles (ND)	Kitchener-Wilmot	Cooper, Mike (ND)
Cornwall	Cleary, John C. (L)	Lake Nipigon/Lac-Nipigon	Pouliot, Hon/L'hon Gilles (ND) Minister of Transportation, minister responsible for francophone affairs / ministre des Transports, ministre délégué aux Affaires francophones
Don Mills	Johnson, David (PC)	Lambton	MackKinnon, Ellen (ND)
Dovercourt	Silipo, Hon/L'hon Tony (ND) Minister of Community and Social Services / ministre des Services sociaux et communautaires	Lanark-Renfrew	Jordan, Leo (PC)
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A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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**Legislative Assembly
of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Thursday 23 June 1994

**Journal
des débats
(Hansard)**

Jeudi 23 juin 1994



Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers

Président
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 23 June 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 23 juin 1994

Report continued from volume A.

Hon Ed Philip (Minister of Municipal Affairs): I would like to proceed with some private bills that are currently on the order paper and, with consent, include those private bills that were reported from the standing committee on regulations and private bills today.

The Acting Speaker (Mr Noble Villeneuve): Do we have agreement? Agreed.

ORDERS OF THE DAY

CITY OF OTTAWA ACT, 1994

On motion by Mr Curling, on behalf of Mr Grandmaître, the following bill was given second reading:

Bill Pr28, An Act respecting the City of Ottawa.

The bill was also given third reading on motion.

CITY OF TORONTO ACT, 1994

On motion by Mr Marchese, the following bill was given second reading:

Bill Pr43, An Act respecting the City of Toronto.

The bill was also given third reading on motion.

HERITAGE BAPTIST COLLEGE AND HERITAGE THEOLOGICAL SEMINARY ACT, 1994

On motion by Mr Winninger, the following bill was given second reading:

Bill Pr60, An Act to incorporate Heritage Baptist College and Heritage Theological Seminary.

The bill was also given third reading on motion.

NAMDHARI SANGAT CANADA (SOCIETY) ONT. ACT, 1994

On motion by Mr Marchese, the following bill was given second reading:

Bill Pr110, An Act to revive Namdhari Sangat Canada (Society) Ont.

The bill was also given third reading on motion.

COUNTY OF LAMBTON ACT, 1994

On motion by Mrs MacKinnon, the following bill was given second reading:

Bill Pr113, An Act respecting the County of Lambton.

The bill was also given third reading on motion.

TOWN OF ORANGEVILLE ACT, 1994

On motion by Mr Tilson, the following bill was given second reading:

Bill Pr119, An Act respecting the Town of Orangeville.

The bill was also given third reading on motion.

CITY OF WINDSOR ACT, 1994

On motion by Mr Damamo, the following bill was given second reading:

Bill Pr122, An Act respecting the City of Windsor.

The bill was also given third reading on motion.

TOWNSHIP OF SEYMOUR ACT, 1994

On motion by Mr Curling, on behalf of Mrs Fawcett, the following bill was given second reading:

Bill Pr124, An Act respecting the Township of Seymour.

The bill was also given third reading on motion.

LIONS CLUB OF KINGSVILLE ACT, 1994

On motion by Mr Curling, on behalf of Mr Crozier, the following bill was given second reading:

Bill Pr125, An Act to revive the Lions Club of Kingsville.

The bill was also given third reading on motion.

ELECTRICAL CONSTRUCTION ASSOCIATION OF HAMILTON INC. ACT, 1994

On motion by Mr Abel, the following bill was given second reading:

Bill Pr126, An Act to revive Electrical Construction Association of Hamilton Inc.

The bill was also given third reading on motion.

TOWN OF DRESDEN ACT, 1994

On motion by Mr Hope, the following bill was given second reading:

Bill Pr127, An Act respecting the Town of Dresden.

The bill was also given third reading on motion.

1600

Hon Mr Philip: In the absence of Mr Mackenzie, I move third reading of Bill 91, An Act respecting Labour Relations in the Agricultural Industry.

The Acting Speaker: These are the rules pertaining to Bill 91 third reading: That an hour be allotted to the third reading stage of the bill. At the end of that time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendments.

We are now under time allocation.

Mr Murray J. Elston (Bruce): On a point of order, Mr Speaker: I thought we had an arrangement whereby the Solicitor General's new bill was to be dealt with at this particular time. If we could ask for unanimous consent to allow us to proceed with the bill introduced by Mr Christopherson, the Solicitor General, I think it would help our work a great deal.

The Acting Speaker: The member for Bruce has requested unanimous consent. The honourable Minister of Municipal Affairs.

Hon Mr Philip: We'd certainly be open to seeking unanimous consent for Bill 91, An Act to regulate the Purchase, Sale and Provision of Ammunition.

The Acting Speaker: This is not Bill 91. We are now dealing with a bill that was introduced today by the Solicitor General.

Hon Mr Philip: Bill 119, I'm sorry.

The Acting Speaker: Do we have unanimous consent? Agreed. The Solicitor General, under unanimous agreement we are now dealing with your new bill.

Hon David Christopherson (Solicitor General): Do you need a motion or are we moving into comments?

The Acting Speaker: We would like you to move second reading and then proceed with debate.

AMMUNITION REGULATION ACT, 1994

LOI DE 1994 SUR LA RÉGLEMENTATION
DES MUNITIONS

Mr Christopherson moved second reading of the following bill:

Bill 181, An Act to regulate the Purchase, Sale and Provision of Ammunition / Projet de loi 181, Loi réglementant l'achat, la vente et la fourniture de munitions.

Mr Murray J. Elston (Bruce): On a point of order, Mr Speaker: There is unanimous consent to proceed with this bill although it has been introduced inside the last two weeks of the session, and we're prepared to proceed on the basis of unanimous consent from all parties with second and third reading today.

The Acting Speaker (Mr Noble Villeneuve): Do we have unanimous consent for second and third reading of Bill 181? Agreed? Agreed. We do have unanimous consent. Solicitor General.

Hon David Christopherson (Solicitor General): I also understand that we have reached an agreement that there will be an opportunity for very brief remarks on the part of each of the parties, a few moments. I'm getting different signals.

I would make just a few remarks at this time. First of all, I want to begin my comments, as I did when I introduced the bill, by again acknowledging and thanking all members of the House for the cooperation and support that all have shown on this public safety issue.

From the outset, the offer of discussing this matter and others at the legislative committee level was offered by the official opposition in a non-partisan way. Although I would say that question period from time to time gave that a little bit of a bumpy road, the fact remains that at the committee level and ultimately here now as we deal with the result of that work we have seen a very rare showing of unanimity on the part of MPPs from various parties, different philosophies, who all agree that the issues of public safety, community safety and police officer safety are all priorities for us. I think hopefully when we see this bill enacted today we'll have given real meaning to a lot of the comments that are made here around the issue of public safety.

1610

Let me also take a moment to comment that I think we also in this Legislature are many times dealing with the issue of the perception of crime and how bad are our streets versus the reality. My sense of it is that much of it depends on what part of the country we're talking

about, what part of our province in terms of the rates. I certainly don't believe crime is as horrible as some of the glaring headlines suggest, but I also do not believe for a moment that this is not a significant issue for us and that in certain areas there are increases in violent crime and that we as legislators have an obligation to deal with those real issues.

This government, I believe, has been taking a very proactive approach to the issue of crime and crime prevention and public safety. Last fall, the ministry I am responsible for initiated the public safety and violent crime project which sets out a two-year plan of a series of standards and priorities that would assist police in uniformly and in a comprehensive way responding to the major types of crimes people are concerned about in our province at this time and helps prepare police to deal in the kind of fashion that they want to.

Also, in response to a health and safety issue that directly affects police officers in this province, the issue of the firearm that they have had for many years now, this government saw fit to respond to a health and safety directive from the Ministry of Labour and enacted the legislation that would allow police officers to move from the .38-calibre revolver, which was deemed to be unsafe in some circumstances, to the far more efficient and safer 9-millimetre or .40-calibre semi-automatic. This was done solely in recognition of the public safety of our officers and their need to have the tools of the job so they can give the service they commit themselves to and provide it at a professional level, which I believe every officer in Ontario is thoroughly committed to doing.

A number of other initiatives with regard to the specific area that we're talking about today: gun control and ammunition control. Recently, I announced the creation and formation of the provincial weapons enforcement unit, which is a dedicated, joint forces task force made up of officers from all the major police services across the province, headed up by the OPP with support from other police services as the work of this unit takes them across the province. The unit was put together to respond to the growing concern of the number of illegal firearms in Ontario that are smuggled in across the border with the country to our south. Also, unlike other contraband issues this government has also responded to, such as when there was a joint operation out of Cornwall with the RCMP and working again with our colleagues there, there needs to be a recognition this time with this piece of contraband that we're not talking about something that gets consumed once. A handgun can wreak havoc at any time, at any place in this province and it can do it many times over.

One of the purposes and mandates of this unit is to not only stop the smuggling of illegal weapons into this province but also to seek out the distribution networks that currently exist and seek out those individuals who are involved in the sale of these deadly items that are in our communities. I was very, very pleased and very proud that at the launch of that unit, Chief William McCormack of the Metropolitan Toronto Police Force was with me. The commissioner of the OPP, Tom O'Grady, and the president of the Ontario Association of

Chiefs of Police, Hamilton-Wentworth Police Chief Bob Middaugh, were also present for the sole purpose of signifying to the people of Ontario that this was an effort of cooperation on the part of the government and police leadership, but that also it was an issue of such significance that they wanted to show to the people of Ontario that they were behind this effort 100%.

I'm very, very pleased that we were able to put that package together. The government of Ontario is the major funder of new money to allow this unit to do this important job that has been set out for it. I'm pleased that we were able to do it I think very quickly, very effectively. The planning and the up-and-running aspects of that particular unit are well under way as we speak. That's another piece.

Another piece to this, of course, was the amnesty program that I announced a few weeks ago that is in effect right now, which allows Ontarians to remove handguns and weapons and ammunition that they don't want in their homes any longer, to know that they can bring it to their local police service and not be charged with a possessions offence. They don't have to worry about the red tape of: "How do I go about this? What's going to happen? I've got this revolver from the Second World War. I inherited it from Uncle Harry. I don't know what to do with it." It's just so much hassle, so they leave it buried in the garage or buried in the closet.

This will allow them to bring that forward. It has the effect of taking that weapon out of circulation, because so many of the crimes that we see that involve weapons involve stolen weapons. This amnesty allows Ontarians the option to easily and effectively, over this three-month period, turn that firearm in and remove it as a potential danger on the streets of Ontario.

Lastly, because we do want to be brief, this piece today I think adds to that whole comprehensive approach that this government has taken, that other governments are taking, that we're now seeing the federal government take. I think what makes this particularly special is the fact that as a result of receiving the recommendations of the committee only a couple of days ago and realizing the end of this session was upon us, the only way we could take action would be to receive unanimous consent. Indeed, we were able to do that. I want to say, as the person who did the talking around, it was done with a minimal amount of difficulty, no partisan politics. Everybody was trying to find a way to get to yes.

There are some pieces of this that everybody wanted. We're all in agreement, I believe, that we want to move the age from 16 to 18 in Ontario, even though the federal government's law says 16. We all agree that we want individuals to produce proof that they're 18 years of age before they can purchase ammunition in Ontario. Thirdly, we want to ensure that we have a record of those transactions so that we can be absolutely assured of compliance with these important public safety initiatives.

Those three initiatives, while no one is suggesting, I don't believe, that this is a panacea of any sort, that this is going to solve all of the problems, are seen by MPPs in Ontario to be a significant initiative with significant steps that will make a difference. If there's a way that we

can do this before we rise, we ought to seize that moment.

That's what's happening here today. You're seeing all MPPs agree on an issue in a non-partisan way, willing to set aside the usual rules to permit these particular laws to come into place and provide at least this measurable amount of added protection and improvement to the safety of the people of Ontario, which I know that we're all dedicated and committed to here in this place.

In closing, I want to take a moment to pay particular attention to and give thanks to the staff of not only my office but of my ministry. Some of them are here today in the gallery. Literally, they've worked around the clock, along with the other lawyers and constitutional experts in the Ministry of the Attorney General, so that the will of this place could prevail. I think we know probably better than anyone that without the professionalism and dedication of people like this, we wouldn't be able to do the job that we want to do. I want to extend a personal thanks to each of you, those who are here and those who are still in their offices working away on this and other issues.

Lastly, I want to end, again, on the most positive of notes by thanking my critics, the party leaders, the government leader—the Premier—and the House leaders for the work that they have done in ensuring that we could come to this moment and put in place at least these steps that we think will make a difference in Ontario and leave on the note that this job is undone. There's more that has to be done in this area, but Ontario has gone as far as we can under the Constitution.

We now, by virtue of agreeing here today unanimously on our law, I think send a powerful message to the federal government that it now has not only an obligation but from Ontario a mandate to finish the job that needs to be done. On that note, I want to thank you for the opportunity to address this and offer my personal thanks to all the members who are here today to allow this bill to become law.

1620

Mr Alvin Curling (Scarborough North): I too want to thank the minister for his comments. I would call this a rather progressive piece of legislation. I know how concerned the police officers in our community are, the fear at their jobs about guns and ammunition in the wrong hands. The fact is that sometimes moving legislation that is progressive is difficult, as he stated in the House, unless we get the cooperation of all.

As I have spoken to many police officers out there, they are saying that each day when they do get up, how fearful they are because there's no control out there. This type of legislation is only a start, as the minister stated. As a matter of fact, sometimes laws alone cannot help us in situations like these, but continuous cooperation, the continuous way of supporting our police officers out there to make sure that the ammunition that is in the wrong hands is controlled and the criminals who do have it will be apprehended and make sure they are given the proper sentences.

I want also to make a comment in regard to the minister, and I hope the speakers will keep the kind of—

sometimes racism creeps into it and who should have that. What it does is it takes away from the focus of what we really want to do in this issue. It's about individuals who have had illegal weapons in their hands, regardless of colour, class, sex or so. If they are criminals, regardless of what sector they fall in, they should be apprehended and chastised according to the law.

I just want to say how I welcome this initiative. It's only the beginning for us to make sure that we have a safe community and a community that can be enforced and our police officers can carry out their duties in the best way they can.

Mrs Margaret Marland (Mississauga South): I attended the funeral yesterday of Constable Todd Baylis. For the millions who watched that funeral on television, we know what a statement was made by the attendance of thousands of police officers from across the North American continent. The statement that was made is that something must be done.

I hope that this government will support and pass the resolution that is being placed by my colleague the member for Leeds-Grenville this afternoon. This resolution would go a long way to addressing the concerns of those policemen and women yesterday who attended that funeral. I personally am very proud of each and every one of them.

The resolution reads as follows:

"The Legislative Assembly of the province of Ontario, sharing the public's concerns about the level of violent crime in our society and to support our law enforcement officers demands that the federal government of Canada amend the Immigration Act to provide for the automatic, non-appealable deportation of any landed immigrant or refugee who is:

"(a) convicted of a criminal offence involving violence where the conviction results in a sentence of six months or more;

"(b) convicted of a criminal offence involving the use of a weapon or the possession of an illegal weapon where the conviction results in a sentence of six months or more; or

"(c) has more than three criminal convictions."

This resolution would go a long way to trying to deal with the problems that our society faces today, and in particular those men and women who put their lives on the line every single day to protect us from the problems that society has developed. I hope that this resolution will be supported by this Bob Rae government.

Mr Gilles Bisson (Cochrane South): More in the form of a question to the minister with regard to the legislation, I think all of us here in the assembly can support the intent of the legislation when it comes to making sure that we have a system that makes people more responsible when it comes, first of all, to the purchase of ammunition, but more importantly, once you've purchased the ammunition, that you're responsible for the usage of that ammunition. In the event that something was to happen, having a registry system of who bought ammunition and where it went I think is a good idea.

But to the minister I want to ask this question: In northern Ontario, as you would know, and in rural Ontario and southwestern and eastern Ontario, a number of people utilize weapons for hunting. You are able in this province to get a hunting licence at age 15. Many people in my riding go out and get their hunter safety program, they get a hunting licence, they're out responsibly with an adult in supervision, going out to hunt for partridge or whatever it might be at the time during the particular season. They are able to utilize weapons to go out and hunt. Would this legislation preclude a 17- or 15- or 16-year-old individual from going out to participate in hunting activities with an adult at hand?

I think I would agree that you have to limit the sale of ammunition to people over the age of 18, but I want to make sure, before I vote in favour of this legislation, that we're still going to have the ability as young people in northern Ontario to be able to accompany adults when it comes to going out hunting and that if we are able to get a hunting licence under the age of 18, as is presently the case, that you'll still be able to do so and that the legislation will not hinder that ability.

Mr Bill Murdoch (Grey-Owen Sound): I'd like to take a few minutes just to talk about what the minister has said and about Mr Runciman's resolution. I noticed that the minister took great delight in saying that we had all three parties' support on this. There may not be as much support as he thinks there is when we're trying to help him out in a situation, and then our member has a far better resolution than his bill will ever be and makes more sense. I would like to see that they would give us unanimous consent also in seeing that this resolution, which was brought in by the member for Leeds-Grenville, gets passed today.

I certainly know that we still have second and third reading to go on his bill, or third reading anyway, and I'm having serious thoughts as to whether I can support that if we can't seem to work together in this House. They talk about working together.

If you would look at Mr Runciman's resolution, which is just a resolution, and I know we've had other resolutions in this House that have been passed and they're not always followed, but if the minister would look at this resolution again and give us some indication that he would support it and give us all three parties' support—because I'm sure the Liberals would support this resolution. It makes common sense. I don't think they'd have any problem and they certainly would.

If the minister would look at the member for Leeds-Grenville's resolution, tell us that it does make common sense and tell us that he'll support this, then what I'm thinking here may change. But if not, I'll have to seriously consider whether I'll support him on third reading.

The Acting Speaker: This completes questions and/or comments. Wrap up by the Solicitor General.

Hon Mr Christopherson: I want to thank all the members for their comments, most of which I agree with, not all. But I think that's what's so significant about what's happening here today, that we do have agreement on the pieces of a bill that will provide for safer communities and safer Ontarians. That is as a result, of

course, of the committee work that was done, where there was a lot of time to look at the issue and to review it and bring in hearings. That's what led to the unanimous consent. I certainly would hope no one's trying to equate that with any other suggestions.

I want to take a moment to acknowledge the questions asked by the member for Cochrane South when he asks about those who are under the age of 18 in Ontario but who are lawfully entitled to own and use and operate a firearm by virtue of federal legislation. Will this new law have the effect of allowing someone to own and use a firearm under a federal law, but by virtue of a provincial law deny them the right to access to ammunition?

1630

I can say to him with a great deal of certainty that the bill has been structured in such a way that it would allow and ensure that those who are under the age of 18 but have a legal right to own and use and operate a firearm will have access to ammunition, either by direct purchase, if they're 16 or 17, and since the federal legislation cutoff is 16, by virtue of its being provided to them by an appropriate person, if they're under the age of 16, whereby that person has to ensure themselves that they are indeed qualified, and if that happens, then the Ontarian will have maintained the same rights that they had before.

The Acting Speaker: Further debate?

Mr Tim Murphy (St George-St David): As our party's co-critic of the Solicitor General, I'm glad to participate in this debate today and add my voice to this rare chorus of unanimity.

I want to give a sense to those who might be watching at home and those in the chamber of the history of how we got to this point. As many will remember, there was an unfortunate drive-by shooting in Ottawa some weeks ago, as well as the unfortunate shooting death at the Just Desserts restaurant here in Toronto.

Arising out of that was a set of concerns that came from the fact that what we saw in those shooting incidents were illegal weapons but store-bought bullets. Out of that concern my leader, Lyn McLeod, myself and others raised with the Solicitor General the concern about that fact that illegal weapons and store-bought bullets were being used in criminal actions in this province and that we thought that by regulating the purchase and sale of ammunition we could start doing something about that problem.

I was pleased to be able to introduce Bill 149, which was the first stab at doing something about this. Then the member for Ottawa West, my Liberal colleague for justice matters, introduced Bill 151 a few days later and he brought it to second reading where it was passed and referred to the justice committee for consideration there.

We had at that same time asked that the justice committee be empowered to consider a broad range of things: community policing; the statistics surrounding crime, to distinguish between the real and perceived amount of crime in our community; plea bargaining, parole and bail; gun and ammo control; and crime prevention.

It's unfortunate that the committee's mandate got

reduced to crime prevention initiatives and ammo control, because I think that the spirit of cooperation we saw around ammo control might have broadened and allowed us to do much in those other areas that I think needs to be done.

As I mentioned earlier in question period, I represent a riding which includes, for example, Regent Park, which includes also St James Town, Cabbagetown and the Corktown area and Seaton, Ontario, Berkeley and a number of areas within 51 Division, 52 Division and 53 Division in the city that have a problem with crime, much of it obviously connected to the drug trade but very much crimes of violence, crimes involving guns. As I've mentioned in this House before, in a period of six months from July to December of last year, within 51 Division there were 461 weapons offences, in that one division alone. We need to do something.

One can purchase, for example, illegal handguns in parts of my riding at two for \$125 in a matter of minutes by walking into stores which I won't name but which the residents in a certain part of my riding, and the police, are certainly aware of.

This is not a panacea, this is not a cure-all, this will not solve the crime problem. But we have as legislators the responsibility to take those steps that we can quickly and to take those steps that we can slowly with responsibility, with a sense of trying to do what's right rather than creating a greater burden.

Our first cut at the ammunition bill may have been too restrictive. We listened, for example, to those who made representations to us on behalf of farmers, also those who made representations to us on behalf of the Ontario Federation of Anglers and Hunters, a native community, young people in the north and others, and as a result of those representations, we in our party said that we should modify the bill to accommodate those concerns.

I was pleased to send a copy of the bill many, many weeks ago out to 150 chiefs of police across this province, to get a sense of what the police officers in this province felt, and the responses I got back were unanimous in their approval of proceeding in this way. They also mentioned two things that they thought were important to be added. One of them was photo identification and the other a log being kept by the seller of who bought the ammunition. I'm very pleased to see both those provisions in here, although I think we should be clear about what this bill is.

All we are doing with this bill is (1) regulating the age of those who can purchase ammunition to ensure that it's people 18 years of age and over unless certain special circumstances apply and (2) keeping a log of the purchases.

Whether or not we can go further, my sense from what we heard from the constitutional experts in the justice committee was that we might have been able to go further, we might have been able to regulate the purchase of ammunition more closely, that it would not have infringed on the federal authority. But on this we have agreement in what we're doing today, and I think it's a good thing that we have agreement to go this far.

There may be other things that we can do and other things that need to be done, and I don't disagree with that, but this is a step in which I think there can be agreement. My sense is that it responds to the concerns of the Federation of Anglers and Hunters and farmers and others to provide them with the protection they need.

I think too about the other things that we can do in the riding that I represent, and what we clearly need is an expansion of the foot patrols. I'm very much concerned about cutbacks in that area arising from the social contract and other pressures on revenue and expenditures, but the visible presence of the police in communities in my riding would be of great benefit to reducing the level of crime.

Gun control is another area. I have talked to some constitutional experts who think in fact that provincially we may even be able to take some steps in the area of gun control as a province. I hear some members of the Conservative Party talking. My concern about gun control is obviously that we do that which stops criminals from having access to guns, and I think that's the appropriate thing to do.

I think too about the matter of border restrictions. We have an enormous quantity of weapons coming into this country from across the border and we need to ensure and give the border guards the power to inspect and seize. We need also to amend some of the Criminal Code provisions to provide minimum sentences for the possession of weapons and to increase the penalties in other cases.

I see the Attorney General here. We also need to ensure that we don't plea-bargain away weapons offences in cases other than just section 85 offences under the Criminal Code.

There is a lot that can be done now, not just this bill, and I hope that the Solicitor General and the Attorney General will listen to the demands of the people in my community, who are saying: "We live in fear. Crime is going up. We want some action."

I think, for example, about those in my community who live in Metropolitan Toronto Housing Authority buildings. I have people in my riding afraid to leave their apartments, afraid to walk through the housing developments at night. They're the residents and they want this government to help them, to improve the eviction rules, to talk to the taxi companies and the licensing commission about stopping them from being the way that drug dealers and drug purchasers come to the community. They want better lighting, they want better security and better maintenance. All these things should be provided, and I hope they will be.

I want to take a moment, if I can, to talk briefly about police officers in Metropolitan Toronto and across the province. When I was growing up, I had an opportunity to get to know quite a number of police officers, as my father was a crown attorney, and saw many of them at the dinner table. I heard about and saw the very difficult job that they did on a daily basis, had people I know who were shot in the line of duty.

The ones I did know who were shot managed to

survive, but it was none the less a job that we ask police officers to do that we would not do ourselves, to face the daily dangers that they do. I think, frankly, that the police officers don't get enough respect, sometimes from us as legislators and sometimes from the media and the public, but they do deserve our respect for doing a hard job in difficult circumstances. By far, most of the time, they do it in a way that reflects integrity, hard work and a desire to do the best thing for public safety and for the people for whom they provide service.

1640

I want to wrap up by saying that I think it is a credit to the members of this Legislature that we were able to come to an agreement as quickly as we were on the outlines and on the details of this bill. I too want to join with the Solicitor General to provide credit to the members of the justice committee staff—the committee clerk, the researcher—as well as the members of the staff of the Solicitor General who obviously worked hard to get the details of the bill done. It's not perfect, but it is an excellent job done in a short period of time and they deserve credit for that.

I want also to thank the member for Ottawa West for all his efforts in bringing this issue forward; the leader of our party, Lyn McLeod, who raised this issue in the Legislature a number of times; the Solicitor General for agreeing with us and recognizing that sometimes the fount of all knowledge is not on that side of the House, that we too have good ideas; and the third party for cooperating with us in the pursuit of a goal that is not a cure-all, is not a panacea, but is a small step to helping make our towns, our cities and our province safer.

The Acting Speaker: Questions or comments?

Mr Murdoch: I listened to the speaker for St George-St David and it was a nice, passionate speech that he made about all the wonderful things this bill will do, but personally, I think all we're doing is really masking the real problem here, and the real problem is that we don't enforce the laws that are out there.

We have bleeding-heart judges on the benches who won't give the penalties to people who break the law in the way they should, and I really don't think this bill will do a lot to stop it. People are going to buy ammunition. If they have to do it this way, fine, but if they want illegal ammunition, they're going to be able to buy it out there. The bad guys are still going to buy ammunition.

What we're doing here is trying to pat ourselves on the back and saying we're trying to do something about a serious problem, but what we're doing is putting a Band-Aid approach to this, and I'm afraid this is what the member was talking about. It's fine and I agree with him that our police forces should get a lot of recognition on things they do, but I don't think this bill goes far enough.

If you look at the resolution Mr Runciman put into the House, that has some teeth in it. It tells the federal government what it has to do—

Interjection: The resolution doesn't do anything.

Mr Murdoch: The member says the resolution doesn't do anything. That may be true, it doesn't have the law, but it does tell the government what we feel about

things. This is just a Band-Aid approach and it won't stop the criminals from having ammunition.

If the criminals want to buy ammunition, they're going to be able to buy it. I understand there's a serious problem in the large urban centres and I understand their problems, and this bill hopefully may solve some of their fears; I understand that. But we have rural Ontario also, and it won't make the difference out there. I think rural Ontario is going to see this bill as a bill against them, unfortunately. I know it's not meant that way, but that's the way it's going to seem.

Mr Paul Klopp (Huron): This issue has come up fairly quickly in the House and I understand that all parties have come to a fairly quick agreement, and for sure, nobody condones violence and we all want to do our best to stop violence. In our area, we had a young woman cut down in the prime of her life due to a very violent act with a gun. We all have that in our minds.

But there are a number of people who have brought up a number of issues. The minister has answered some of those regarding the issue of the 15 factor, because you can have an FAC and ability to buy ammunition. That's going to help me to better understand that in my community, because this bill has moved forward so fast.

But there is the issue for the store owners where they sell ammunition. The issue I raise is around the paperwork issue and how they're going to process that. So often such well-intended ideas come forward and then all of a sudden we have a ton of paperwork, and really it throws out the whole intent of what we want to do.

My suggestion very clearly, and my two cents' worth, is that the paperwork be done at a very minimum, that we really ask the owners who sell ammunition, because they too want not to have a problem here. They too are against people buying ammunition and creating violent acts, and I really think that needs to be put across. We have a lot of good people out there who are just as concerned and they want to be part of the solution, and I want to raise that to the House.

I understand they're going to be dealing with this over the next few days, or whatever. But I want to say very clearly that there are a lot of good people out there who sell ammunition who want to be part of the solution and I urge the minister to really listen to them and to make sure that whatever this form of registration is to keep track, that it be done very simply and very easily so that if someone does create a violent act then the police can move in very quickly and follow the paper trace. Then that really does help to put criminals away, and I certainly want to make that on the record.

Mr Robert V. Callahan (Brampton South): I've listened to the member from Grey and I hope the Tories are not voting against this. This is one small step for men and women and children in trying to curb violence in our community. I spent 30 years practising criminal law in this province, and I can tell you that most of the guns are stolen and they've had the serial numbers filed off them. They put not just the community at risk but police officers who are on the front line. I can't believe there is any person who legitimately wants to shoot a gun for sport or who is in the agricultural community who is not

prepared to meet the contents of this bill.

One thing I'd like to put out is an idea that perhaps could be picked up, not maybe by this House but more specifically by the federal government. Surely today, with the technology we have available to us, guns that are sold could be sold with a type of serial number on them that could be identified under a particular type of technological source, as opposed to being simply beaten into the gun like we used to do, since the days of Billy the Kid.

If we had that type of thing, criminals would not be able to saw off or hack down the serial numbers of guns, and guns that were stolen would be identifiable to the people who had had the gun originally, and we would be able to control them.

I don't think for one minute that this is the panacea, but it is certainly a step that this Legislature has the jurisdiction to do and I commend my colleague from Ottawa West and also the Solicitor General, this entire House. This is a historic event where we are prepared to take the step, on the initiative of this party and our leader, in terms of trying to deal with the question of violence in this community.

I urge, if anybody from the federal government is watching this, surely we have the technology to put on a gun a serial number that cannot be filed down so that we can ensure that guns are not used in violent acts in this community.

Mr David Winniger (London South): I too sat as a member of the justice committee with the member for St George-St David and other colleagues, and I was struck with the constructive and collaborative approach that all members on the committee took towards developing recommendations on ammunition control and community-based crime prevention.

The first step we had to assure ourselves on was whether this legislation could be constitutionally valid if it were introduced by the province. We had the benefit of Bill 151 and the review and remarks by expert witnesses such as Katherine Swinton from the University of Toronto and Peter Hogg from Osgoode Hall, who indicated to us that such a law would be constitutionally defensible.

We also had some very specific comments on the bill put forward by the member for Ottawa West and they allowed us to ensure that when we introduced our own government legislation, it would not only be constitutionally valid but would also be practicable and enforceable.

That I think is why our Solicitor General, in the legislation he puts forward today, had three major focuses. One was to ensure that minors under the age of 18 would not be able to legally purchase ammunition unless they held a sustenance permit to do so.

Second was that they provide photo identification, because we want to ensure that the people purchasing are legitimate purchasers of ammunition. Also, importantly, we wanted to ensure that there would be records kept by the vendor of the ammunition to ensure that if there is later a police investigation, accurate records are available as to when the ammunition was sold and to whom.

I thank the Solicitor General for bringing this forward.
1650

The Acting Speaker: The honourable member for St George-St David has two minutes to wrap up.

Mr Murphy: I want to thank the members for the comments and questions. To the member for Grey-Owen Sound, one of the issues that this bill does address is obviously those crimes of opportunity where people buy illegal guns on the black market or in the store. But they're not often buying bullets, and they go right across the street into a store that sells the bullets. They don't need to show anything currently. They buy the bullets and off they go. In fact, the issue was raised in the House a couple of months ago with a pack of bullets bought in a store in my riding.

My understanding from discussions with the Solicitor General is that there are something like 1,200 ammunition sellers in this province who are currently never inspected and there are another 1,200, approximately, who are firearm and ammunition sellers together who are inspected somewhat regularly.

There are a large number of people who are selling ammunition, and I think it is not a great onus to require those sellers to keep some kind of record, given the kind of device that's being sold. It's an explosive device under the federal act. It is a dangerous device. It is a device that kills people, hurts them and maims them, and requiring a record is not an onerous burden on sellers of ammunition. Obviously, if it can be done in a way that reduces the amount of paperwork and unnecessary paperwork, that's the way it should be done.

I want to thank the member for Brampton South for his comments. I think his idea about a way of ensuring that you can't file off the registration number on guns is a good one, and perhaps that's the project for the next unanimous consent we can do.

In my last few seconds, there are a number of issues in the crime field that we all agree on and we should seek action on those together as quickly as we can.

Mr Robert W. Runciman (Leeds-Grenville): I appreciate the opportunity to speak on this legislation. I've said publicly in media scrums yesterday that I think this is essentially a symbolic measure, that it's not going to have any significant or meaningful impact on crime in the province, but it does send a positive message, I think, to people who want to see and hear their legislators and their elected officials at least attempting to do something to deal with what they believe to be the increasing levels of crime in this province. So it does indeed indicate that on occasion, regrettably rare occasions, we can, as politicians, pull together and try to do something.

There has been a significant amount of self-congratulation here this afternoon, and in terms of our getting together on a measure, I guess that it's warranted, but in terms of this having a meaningful impact, I don't think that message should be conveyed to anyone, that anyone should be left with that interpretation of this legislation.

During the justice committee hearings, we had the chief provincial firearms officer testify before the committee, and I think it's appropriate to put some of his

testimony on the record in respect to this legislation, in respect to what the reality is out there in the province and in the country.

He indicated, for example, that anyone without a licence or without an import permit may bring 5,000 rounds of ammunition into this province; no restrictions whatsoever. That's the reality. That's something this legislation will not deal with. That will continue. There's no effort or no way of stopping, across provincial borders or indeed across national borders. The chief firearms officer indicated to us that if anyone wanted to come in from Buffalo with 5,000 rounds of ammunition today, they can do so quite legally, and this legislation will have no impact in terms of deterrence on a host of areas.

Another interesting matter that was brought before us was that the official indicated there were between 50,000 and 80,000 reloaders in this province. These are people who take the empty shell casing and reload the bullet. Many of these reloaders, 50,000 to 80,000 of them in the province of Ontario, sell that reloaded ammunition. As long as they sell that reloaded ammunition for approximately the same price as it costs them to do that, they require no licence. How significant they are in terms of the underground economy in ammunition in this province no one really knows, but they are significant players and, again, this legislation does not deal with that and in fact cannot deal with that.

In the province right now we have approximately 325,000 people with firearms certificates. We have about 20,000 permits for restricted weapons. These are primarily handguns with target clubs and security guards. I also want to mention that we have about 739 retailers in the province selling ammunition without guns and approximately 1,200 retailers selling guns and ammunition.

How is this going to be enforced, the modest efforts that we're undertaking today? Again, in the testimony before the committee, Mr Henry Vanwyk, the chief provincial firearms officer, indicated, "We only have time to deal with the firearms and ammunition dealers." He indicated later on during questioning that there were about 1,200 of these people. I asked him how much staff he has to deal with 1,200 firearms and ammo dealers in the province. He indicated, "We have 10 people to deal with 1,200 firearms and ammo dealers." Set aside the 739 other legal ammo dealers—1,200 firearms dealers.

I asked him how effectively they are doing the job. He gave me an example. He said there's one firearms dealer in the Ottawa area where you could conceivably take two officers there and take one week to conduct an inspection. So we have 10 officers and it's going to take two of them one week in Ottawa alone to look at one store to ensure that it's complying with the federal legislation.

The reality is that we simply don't have the personnel, the people, to do the job currently. Then, when you look at all of the other elements of concern out there in terms of the reloading market, in terms of a host of other areas, these concerns are not going to be addressed.

I want to say we also regret very much the fact that in some respects this bill is passing so quickly and the fact that we are all hearing from people who are concerned about the legislation. They're not going to have an

opportunity to be heard. It's traditional around this place to refer a bill out after second reading for the public to have input. By agreeing to quick passage of this legislation, we have set aside that process.

The member for Grey-Owen Sound has been expressing those concerns, certainly within our caucus and in interventions here today, that he's hearing from many in his own riding and, I think, all of us, especially those of us who represent rural ridings. We've heard some interventions from NDP members as well who represent rural ridings. We're getting the same kinds of responses.

Mr Allan K. McLean (Simcoe East): I'm hearing them as well.

Mr Runciman: My colleague from Simcoe East is here and telling me he's hearing those concerns as well.

This is in some respects a media-driven exercise, but we know, again, that we have to send out the right messages, especially following the death of a police officer. That's an attempt to do that, but a very modest one indeed. I don't want anyone to suggest otherwise.

In this spirit of cooperation, I introduced and tabled a resolution today which deals with a very significant concern of police officers, policemen and women in this province and, I think, the public at large, but perhaps especially the public in Metropolitan Toronto. Certainly my colleagues who represent the Metro area can confirm this. It had to do especially with the shooting death of Constable Todd Baylis.

The individual charged in Constable Baylis's death, it was indicated following his arrest, had been in this country illegally for two and a half years. He had been ordered deported after a series of criminal convictions and was still in this country and apparently involved in the shooting death of a police officer and the wounding of another officer. That angers not only police officers but everyday citizens. It really angers us that this sort of thing could happen. I think we have a role and a responsibility as legislators to convey that anger, that sense of frustration among police and people in this province, to the federal government.

1700

Immigration, unlike some of the responses that we heard today, is a shared responsibility. Like agriculture it is, under the Constitution, a shared responsibility provincially and federally. But we have a role here in encouraging the federal government to be more active in addressing the concerns of police officers and we can do that.

The minister himself said in terms of the ammunition bill that we're dealing with today, "This sends a powerful message to the federal government." I think we can send a much more powerful message that represents the true feelings of Ontarians and police officers through the quick and speedy adoption of my resolution. I want to read it into the record again, because I have extreme difficulty in any member of this Legislature opposing speedy passage of this. The resolution reads:

"The Legislative Assembly of the province of Ontario, sharing the public's concerns about the level of violent crime in our society and to support our law enforcement officers demands that the federal government of Canada

amend the Immigration Act to provide for the automatic, non-appealable deportation of any landed immigrant or refugee who is:

"(a) convicted of a criminal offence involving violence where the conviction results in a sentence of six months or more;

"(b) convicted of a criminal offence involving the use of a weapon or the possession of an illegal weapon where the conviction results in a sentence of six months or more; or

"(c) has more than three criminal convictions."

In other words, three strikes and you're out of this country.

Again, I have to ask the members of the governing party, why in the world could they object to the wording of that kind of a resolution? It is indeed only a resolution. It's not a piece of legislation; it's not a bill; it's simply sending a message conveying the anger and frustration of police men and women in this province and Ontarians generally.

We still have a few hours of sitting time in this House, and I implore the government members, I implore the Solicitor General and I implore the government House leader in the spirit of cooperation in respect of the bill we're dealing with to take a look at this resolution, consider it carefully.

I see nothing offensive in this, although it's originating with an opposition member. Maybe that's the only thing that's offensive to government members; I don't know. They don't want to give any opposition member credit for being the sponsor of a specific message conveyed by this assembly. I hope that's not the case. I hope that kind of partisanship is not playing a role in the decision-making process in respect of this resolution.

I simply once again, in winding up, want to indicate we are supporting this legislation. We support the principle. We do agree that it is a small message of hope. For that alone, we are going to support it and hopefully encourage the government to take more substantive and meaningful measures to deal with crime in the very near future.

The Acting Speaker (Ms Margaret H. Harrington): I thank the member for Leeds-Grenville. Questions or comments to the member?

Mr George Mammoliti (Yorkview): I heard the resolution that the member talks about and I think one of the reasons he may not be as happy as he'd like is because there is a time to introduce resolutions in this place. Right now, we're talking about a very, very important bill that the minister has introduced. I think the member needs to realize that when he stands up and says, "I want everybody to recognize my resolution and this should supersede," is what he's saying, "any bill that's in front of us."

Mr Runciman: We had this bill given to us a day ago. We had that bill this morning. Give me a break. You don't know what you're talking about.

The Acting Speaker: Order.

Mr Mammoliti: The other question that I would like

to pose is, where was this resolution three years ago, when there was a Conservative government at the helm?

Mr Runciman: We had that bill this morning.

The Acting Speaker: Order.

Mr Mammoliti: There was a Conservative government at the helm, and a Conservative government could have very easily changed the policy that this member is asking for in this resolution. So when he stands up here and he plays politics and says, "We want the federal government to change policy around this issue," I pose the question: Where was this resolution when Mulroney was in power? Where was the resolution when there was a government that he in particular got along with?

That's not to say that I don't agree with some of the context, that I don't agree with the fact that the Liberals at helm, perhaps, federally should be changing some of that policy, but again, this has to be dealt with in the appropriate way. Right now we're dealing with a bill. Right now we're discussing and debating a bill. For you to stand up and say, "My resolution should supersede the bill," is absolutely ludicrous, in my opinion.

Mr Callahan: I think to bring this back to a level where we're all going to support it, because I think we are hopefully, I just spoke with the minister and, as you know, under this, you could use certain types of identification with a picture on it, to identify you, to allow you to buy ammunition.

I'm suggesting and have suggested privately to the minister, and I think he'll follow it, that under the regulations, perhaps a photostat or some replication of the photograph of the person buying the ammunition should be kept. That would certainly assist the authorities at a time where they may find that these bullets, through ballistics, have been used in a heinous crime. It may give them the opportunity to be able to track down the would-be assailant.

The other thing too is that this entire bill and the debate around it has perhaps raised the issue in Ontario as to there having to be a redefinition of powers of particular legislatures. We find ourselves crafting a bill, albeit the best bill that we can craft in terms of our legislative authority, but maybe there is an opportunity now, be it by way of designated jurisdiction from the federal government, to allow us in fact to bring our province into good order.

I know in the United States there's a great deal more power in the states that have been allocated to them under the American Constitution, and in fact we have a problem. We have a problem that's not unique to Ontario; it's growing evermore throughout the provinces of this country. If you don't have the power legislatively to deal with an issue in its fullest content, as opposed to attempting to clip around the edges, that doesn't do a great deal for the safety of the people of this province, for the police officers who have to enforce the laws of this province. So one would hope that we would get some type of enabling legislation to give us a broader depth of jurisdiction.

Mr Chris Stockwell (Etobicoke West): I think we should clearly outline what the member for Leeds-

Grenville is asking this House to do today. The member is asking this House to pass a resolution that would be forwarded to the federal government, a resolution that would announce to the federal government the concern and outrage of the citizens of Ontario with respect to the shooting that took place a short time ago.

This resolution is not legislation. It's merely sending a message to the powers that be that they should in fact enact a resolution similar to this or look at legislation similar to this in order to protect the people in this province, and specifically in the urban centres.

What we're asked to deal with today by the Solicitor General is a piece of legislation that requires three readings and becomes law. This is not a resolution that they're asking us to deal with; it is in fact legislation. This piece of legislation, I say directly to the member for Yorkview, was received by our caucus at 10 o'clock this morning. In the spirit of cooperation and non-partisan politics, we have dealt with this fairminded, aboveboard, and hopefully we'll get this through, unprecedented in most instances, for three readings today.

The member for Leeds-Grenville is asking this Legislature to do even less than that. He's asking this Legislature to express the concern that the people of this province have with respect to the police shooting that took place and deal with the issues through a resolution. I don't think he's asking this Legislature to go out on a limb that's too far or asking it to defend and debate something that is not defensible. I think it's a reasonable request and I think the people of the province of Ontario will think it to be a very reasonable request that the member for Leeds-Grenville is asking us to support.

1710

Mr Winner: I listened very carefully to what the member for Leeds-Grenville had to say and I think he does appreciate that provincial legislation to control ammunition sales is indeed a significant step forward. He also recognizes, however, that there is a very important federal responsibility in this matter to control the importation of ammunition from outside the country, both legal importation and also smuggled ammunition, I might add. Also, he recognizes the interprovincial aspect that, again, the federal government must declare jurisdiction over.

At the same time, though, he puts forward a resolution—and I haven't studied it carefully, but he's read it a couple of times now—and I'm struck with the fact that it fails in some respects to pay heed to the kind of discussion that I and perhaps other members in the House heard on Metro Morning this morning: that if a person enters Canada either as a refugee or as an immigrant, as a young child, for example, of an immigrating couple or family, if the person came into Canada at the age of two months or two years or even at the age of eight, whose problem is it if that individual adopts a life of crime over the next number of years during his or her formative years of life? Wouldn't it be better, if one were to give credence to this resolution, to have it address the person who enters Canada as an adult and then embarks on a life of crime? Wouldn't it be better to study this situation a little more carefully rather than asking the Legislature to adopt this resolution forthwith?

The Acting Speaker: And now the member for Leeds-Grenville has two minutes to respond.

Mr Runciman: I gather what the member for London South is saying is that under his suggestion the individual charged for Constable Baylis's death would not be deported from this country. He's in essence saying that he would disagree with that kind of deportation order.

Mr Winninger: That was already ordered.

Mr Runciman: That's what you're saying. We're talking about a resolution here that expresses the frustration and outrage of the people of Ontario and the police officers. Just go back and talk to your own community.

You also mentioned in your comments that the member for Leeds-Grenville recognizes that this is a significant measure, the bill we're dealing with today. I do not recognize it as a significant measure. I recognize it as a symbolic gesture. It's a message of hope to many people in the province, I do agree with you, but I certainly do not recognize it as a significant measure.

The member for Yorkview went on at length about procedural correctness in this House. I want to reiterate, simply to set the record straight, in terms of cooperation and willingness to try to get things through this House, that we had a bill placed before us at 10 o'clock this morning, the first time we set our eyes on that bill. We've come into this House and we've agreed through unanimous consent to do away with the compendium of legislation, which is normal process in this Legislature. We've agreed to all of that, and not to have public hearings. We're hearing concerns from many constituents about this, but we've agreed not to have public hearings on a piece of legislation.

All I've asked you today is to convey the concerns of Ontarians through this assembly to the federal government to take a look at this problem, because Ontarians want it looked at. They want their concerns addressed. They can deal with questions like the one you've raised, but let's deliver the message to the federal government that it has to take action on this. Ontario is no longer going to sit on the sidelines and see other police officers killed because of their inaction.

The Acting Speaker: Further debate on Bill 181? Would the Solicitor General care to make some final comments?

Hon Mr Christopherson: To use my opportunity as the minister to wrap up, I would like to first of all acknowledge publicly the role played in particular by my critics, the two co-critics from the Liberal Party, Mr Tim Murphy, the member for St George-St David, and Mr Robert Chiarelli, the member for Ottawa West, both of whom played a significant role in working with me to determine where the ground might be, given that it was Mr Chiarelli's bill that was first in the Legislature in addressing this issue, and talking through what model of legislation we may look at. I found nothing but cooperation and a desire to put the needs of the public interest first as I dealt with both those very honourable members, and I do want, publicly and for the record, to thank them for the integrity they've brought to this process.

I would also like to bring the same personal commen-

dation and thanks to Mr Robert Runciman, the member for Leeds-Grenville, with whom I often have disagreements philosophically on a number of issues that relate to matters I'm responsible for, but on this and every matter that relates to public safety and particularly that can relate in any way to officers' safety, he's always the first one to acknowledge that partisanship needs to be put aside. In fact, he was the last member I met with two nights ago, very late into the evening, and we spent some time in his office as I took to him the positioning that was starting to develop, and he offered very generously his time and his comments, both formally, ultimately, but informally and off the record, all in a desire to bring us to this point.

I don't want to detract from all our responsibilities to be partisan; that's what makes this place work. But when we can set that aside on issues like this, individuals, particularly those in opposition, need to be given the credit they're due when they're given an opportunity to show leadership, and they have done that in this case.

Because we haven't had a lot of time to deal with this, there are a couple of matters that have come up and I'd like to take just a couple of minutes to comments on them, because I think it'll help members and help the public if I can put a couple of things on the record.

One is with regard to the amount of paperwork and what's being asked of retailers. The bill deliberately does not set out the format, it does not set out what kinds of forms, in triplicate, and mailed anywhere. The bill as it stands now only requires that certain pieces of information—and there are four of them—be recorded and be available upon request of inspection by the chief provincial firearms officer or his designate to ensure that there has been compliance with the bill we have here today.

There are regulatory provisions, however, to allow the minister of the day to go further, if necessary. If that doesn't do the job, the regulations will allow that the form can be stipulated and sent out.

But we're not starting there. We're starting by saying that as long as you have that information and you can show it when it needs to be shown—many retailers have computers that will do this quite easily and we want to make it as simple as possible for retailers. There is some responsibility on their part, and I understand no one appreciates more paperwork, but I think the member for Leeds-Grenville has acknowledged that in this case, the extra effort is required in the interest of public safety.

The last point is that with regard to inspection, there is an entire review of the OPP operation so that the kinds of inspections that need to happen are taking place.

Let me close by saying that we would've been wrong to leave this undone today and I think that's why we're coming together. I say again, there's now responsibility for the federal government to pick up where we've had to leave off constitutionally, and do the job in its completed form and do that on behalf of all Ontarians and then, as legislators, I think we can all feel at all levels of government that the job that needs to be done has been done. But this modest effort at least does improve the issue of ammunition control and possession in the province of Ontario and will help to make our streets safer, and I can't think of anything more important.

The Acting Speaker: Mr Christopherson has moved second reading of Bill 181, the Ammunition Regulation Act, 1994, An Act to regulate the Purchase, Sale and Provision of Ammunition. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Shall the bill be ordered for third reading? Agreed.

Hon Ed Philip (Minister of Municipal Affairs): Madam Speaker, I think there was unanimous consent earlier that all three stages of the bill be dealt with, so the minister will call for third reading.

Hon Mr Christopherson: I move third reading of Bill 181, An Act to regulate the Purchase, Sale and Provision of Ammunition.

The Acting Speaker: Mr Christopherson, would you care to make some remarks? Are the members ready for the question?

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Resolved that the bill do now pass and be entitled as in the motion.

1720

AGRICULTURAL LABOUR RELATIONS ACT, 1993
LOI DE 1993 SUR LES RELATIONS DE TRAVAIL
DANS L'AGRICULTURE

Mr Cooper, on behalf of Mr Mackenzie, moved third reading of the following bill:

Bill 91, An Act respecting Labour Relations in the Agricultural Industry / Projet de loi 91, Loi concernant les relations de travail dans l'industrie agricole.

The Acting Speaker (Ms Margaret H. Harrington): At this point I want to remind everyone of the agreement that one hour be allotted to the third reading stage of the bill. At the end of that time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment.

Mr Cooper, some opening remarks?

Mr Mike Cooper (Kitchener-Wilmot): As everyone knows, Bill 91 was first introduced to this House last July 29 by my colleague the Minister of Labour. It is an important bill for thousands of farm workers who, up until now anyway, have been denied basic rights enjoyed by almost all other Ontario workers. Bill 91 remedies that situation. It will put Ontario on a par with almost every other province in the country. These provinces years ago realized that farm workers deserve rights that virtually all other workers had enjoyed for decades.

Yet it is obvious that the agricultural sector is a unique part of the Ontario economy that needed special consideration. That is why our government has developed this bill from start to finish in a consensus fashion. That's why we

opted for a separate labour relations act for agricultural workers. That's why we have accepted virtually all of the recommendations of the bipartite committee overseeing this bill. And that's why we're going to pass a bill that will allow workers to organize and bargain but not strike, and we're going to pass a bill that upholds the right of family members to work their farms at any time.

So this bill is not about unionizing the family farm. If ever there was a false battle-cry, it was that slogan. That slogan rang hollow, because all the stakeholders were on side and ready to proceed with the orderly introduction of labour relations into the vitally important agricultural sector.

I'd like to go over the bill briefly one more time for the members of this House, and I hope members are struck by the degree of consultation, agreement and common purpose that has characterized the development of this bill. All the stakeholders in the agricultural and labour communities deserve a vote of thanks for showing that labour law reform can be attained without resorting to excessive rancour or rhetoric.

The prime vehicle for the bill before the House today has been the newly established Agricultural Labour Management Advisory Committee and its predecessor, the Agricultural Labour Relations Task Force. Both groups helped develop a package that is very progressive for workers, but also one which recognizes the uniqueness of agriculture, its products and the need for constant animal care.

Members may recall that under the original bill, agricultural workers received the right to organize and bargain collectively, but not to strike. In place of the right to strike, a structured process of negotiation, mediation and arbitration was agreed on to settle disputes. This is a recognition by the government of just how vulnerable this sector is to work stoppages of any kind.

The proposals also set out clear principles guiding access to farm property for the purposes of union organizing. Safety and sanitary conditions will be paramount considerations. The bill also establishes the Agricultural Labour Management Advisory Committee, otherwise known as ALMAC, to which I just referred.

At second reading, the government announced that it was accepting several amendments to improve the bill. These amendments were the result of further discussion and refinement by ALMAC members. Again I would ask House members to note the consensus at every step.

The most important of these amendments have to do with recognizing the distinctiveness of the new act from the Labour Relations Act; recognizing the distinctiveness of the agricultural sector of our economy; creating an expert agricultural division of the Ontario Labour Relations Board to adjudicate disputes in the agricultural sector; and finally, extending the review period of the dispute settlement mechanism to five years from three. These recommendations have all received strong support from the labour and agricultural stakeholders.

A small band of people opposed to these reforms has tried to spread misinformation about Bill 91. They have failed. The consensus on Bill 91 is holding firm.

Bill 91 does not propose anything that has not been agreed to by the various parties affected by this bill. This is not the end of the family farm. There will be no strikes, and agriculture will continue to be a strong and cherished sector of Ontario's diverse economy.

Bill 91 has been a model of reasonable and rational labour law reform. That's why it enjoys the support it does, and, if I may say humbly, it is worthy of the full support of this House as well. Thank you.

Mr John C. Cleary (Cornwall): I am extremely pleased to put a number of points on the record on third reading. My leader and colleagues are very disappointed that the government did not cooperate with the two opposition parties to allow at least one week of hearings on this very controversial legislation. If hearings had taken place, all three parties would have had a learning experience, the same as we did when the hearings took place on the stable funding issue.

Last night in the Legislature, we heard some speeches about who was in first opposition to this legislation. I just want to say that on June 29, 1992, our leader, Lyn McLeod, asked a question that clearly demanded that the agriculture exemption be maintained. That's almost two years ago.

I am somewhat disappointed that the Agriculture minister and the Minister of Labour could not give us one name of one person who supports Bill 91. This government will have to deal with the anger some of the members of the task force they appointed have at the moment. Bill 40 took away the farm exemption under the Ontario Labour Relations Act. Bill 91 would not be necessary if the NDP had not removed the farm exemption from the Ontario Labour Relations Act.

Our caucus will continue to listen to all involved and to work to restore the agricultural exemption under the Ontario Labour Relations Act so that agriculture will have one less headache and will be able to continue to prosper in these changing times. We had had a number of amendments to the legislation, but there was only one we wanted, that the exemption in Bill 40 be restored for agriculture.

1730

Mr Allan K. McLean (Simcoe East): I just want to speak briefly on Bill 91 for third reading. I want to thank my colleague the member for S-D-G & East Grenville, who has carried this bill for our party and who has had a lot of input with regard to this legislation.

I know the government members have been very forceful in seeing that this is brought to conclusion by closure, one of many closure motions this government has used to put legislation through that it feels is important.

I've got to say that there are not many farmers in my area or in my riding who support this legislation. As a matter of fact, I don't think there are many farmers across this province who support this resolution. The minister could not name one farmer out there, when he was asked, who wants it.

When this was brought in in June 1992, a report was endorsed by the Minister of Labour and the Minister of Agriculture, Mr Buchanan. The task force submitted a

second report to the minister in November 1992. The report attempted to establish the content parameters for the new agricultural labour relations statute.

Recommendations advanced in the second report included:

- A new Agricultural Labour Relations Act should establish access rules to farm property for the purpose of organizing.

- A structured 120-day negotiation, mediation, and arbitration by final-offer process.

- The placement of seasonal workers in a separate unit, and allowing the government the authority to draft regulations on seasonal workers.

- The establishment of a bipartite committee to monitor agricultural labour relations.

- A preamble to the act which reflects the extension of collective bargaining rights, which also recognizes the unique characteristics of the industry.

- A definition of "strike" and "lockout" that clarifies that work stoppages are prohibited.

- A provision that no trade union or collective agreement can prevent members of farm families from performing work on the farm operations.

We really need this legislation to give the farm workers bargaining rights. The preamble in this states, "It is in the public interest to extend collective bargaining rights to employees and employers in the agricultural industry."

I was a farmer for some 30 years, and in the community where I live, I don't know of any farm family or anybody in the agriculture industry who is interested in unionizing. It's the government that wants to unionize. The OFA and other farm bureaucrats argue that the agriculture community had no choice but to negotiate unionization with the NDP, but we believe there was a choice. Ontario's farms have always been exempt from unionization, and we believe that the OFA and other farm lobby groups should have demanded that farms remain off limits to unions.

The leaders from the agricultural organizations, however, felt unions should be extended to family farms by the ministry. We don't agree with that. The task force had many members from the community on it. Some of the members who were on that task force, such as Grant Smith, who used to be on the Ontario Milk Marketing Board—Grant and some of the others said, "We had no choice but to do what the government wanted." You know why? The agriculture exemption from the Labour Relations Act was taken away. Now Bill 91, the agriculture relations act, will apply to this.

There's no need for this legislation in the first place, in our opinion. I remember my colleague the member for S-D-G & East Grenville speaking on this extensively. We had, last night, hundreds of resolutions to amend this piece of legislation, which the government did not see fit to carry. This is a piece of legislation that was brought in by the Minister of Labour dealing with the agricultural industry. If this was so important to the Minister of Agriculture, why did he not present the legislation? Why is it the Minister of Labour who is dealing with it?

The responses we have had to this have been tremendous from the community I represent. They don't want it. They don't need it. Bill 40 and Bill 91 are all part of labour organizing. I can tell you that when the government changes and we come into power in Ontario, these two bills will be withdrawn.

Mr Randy R. Hope (Chatham-Kent): The member for Cornwall indicated that there had been public concern, and I did receive a letter of public concern. It was from a person in my riding, with a non-political affiliation, by the name of Phil Shaw, who writes:

"Dear Randy:

"I'm writing because I don't know if you are aware of a recent mailer sent to the farmers from Lyn McLeod. She has your name highlighted, by the way. As a farmer, I find this type of thing disgusting. It's only one example of political brinkmanship which farmers don't need.

"The Liberals were completely bankrupt of good agricultural initiatives when they lost the last election. From this mailer, I see they are still. This letter is for your information and I plan to let Lyn McLeod know."

The member for Cornwall went on to say that the agricultural community doesn't need this. What the agricultural community of Ontario does need is for the federal Liberals to quit playing politics with the ethanol issue and move forward and put corn into major production, which will produce a lot of economic growth in rural Ontario.

To the member who wishes to send flyers of this nature, which I received a letter about from a colleague in my riding, from the town of Dresden, he'd better pay attention to the leaflets being handed out by his leader, disturbing the farming community, and get on the federal Liberals to move the cabinet forward to give the exemption on ethanol so we can start producing the corn in another commodity which will put economic growth into our community and throughout this province.

Mrs Joan M. Fawcett (Northumberland): I was very interested in the remarks just made by the member for Chatham-Kent. I think he made a slight slip when he said that letter was from a colleague, because I didn't think a farmer would dare write that kind of letter. The Liberal Party has always backed farmers from the word go. We had two very excellent ministers of Agriculture when we were in government and they brought in some extremely good legislation that farmers needed and wanted. Then unfortunately, because of the dire straits this government got into, a lot of those good programs had to be stopped.

I really think this is a sad day for farmers across the province, because they will not have any chance to put forward their thoughts and concerns about Bill 91, the farm labour bill. This is because, as we all know, the government, with its time allocation motion, has shut down the right and ability to speak.

Yesterday, for example, in committee of the whole I asked several questions of the parliamentary assistant and the ministry staff, and because of the time allocation motion time ran out, so there were absolutely no answers or explanations I could pass on to the farmers, who have

been asking me time and time again the number one big question: Who in the farm community asked for this legislation? They don't know of anyone who wanted this legislation. We wonder, was there some sort of deal we don't know about, a backroom deal that brought this legislation forward in some kind of tradeoff?

Also yesterday, I know the third party asked the government House leader to please give at least a week of public hearings. The government House leader said no, there was no way one week could be granted. Then I asked, would the government House leader entertain at least two days of public hearings—which they were willing to give—at least two days where the farmers could voice their concerns and try to get in here, even if it was in Toronto?

Mr Tim Murphy (St George-St David): What happened?

Mrs Fawcett: "What happened?" the member asks. The Tories, the Conservatives, would not agree to that. So we lost even the two days that would at least have given the farmers a chance to put something on the record.

Mr Murphy: The Tories didn't want to hear from farmers.

1740

Mrs Fawcett: I guess the Tories did not want to hear from the farmers. We were very disappointed, because of course we would want a week, if it could be granted, but at the very least we would have taken the two days. But no, the Conservatives turned it down.

Interjections.

The Acting Speaker: Order. We would like to hear the member for Northumberland.

Mr Ernie L. Eves (Parry Sound): I'm being put in the unfortunate position of having to reveal what your House leader actually said. I don't want to do it, but I don't want to let that go unchallenged.

The Acting Speaker: Order.

Mrs Fawcett: So here we are at third reading of a bill that would see the unionization of the family farm. The government assures us that this will not cause any undue harm in the farm community, and we are supposed to take this giant leap of faith and trust the Minister of Labour. One wonders, where is the Minister of Labour these days? This is a very, very important bill, and with all due respect to the parliamentary assistant, who is trying to do a good job on his behalf, I would have thought the minister himself might be present for this.

We are asked to trust the minister, we are asked to trust his judgement on this. You know, it's very difficult to do that, because without consultation the minister withdrew the agricultural exemption from the Labour Relations Act, and I can't believe he had the farm community on side for that decision.

The minister says, "Thirty-five farm organizations agree with Bill 91." I've said before and I say again, of course they will say they will agree with Bill 91 if that's the only thing they've got. If the agricultural exemption has been removed from the labour relations bill, then

naturally they need some kind of protection, but it is not the kind of protection they want.

I know the minister is putting forward this bill with what he believes is the backing of the farm community, but I do not agree that he has the backing of the farm community. We, the Liberal caucus, are asking the minister once again to withdraw this bill and put back the agricultural exemption into the Labour Relations Act.

Mr Peter North (Elgin): I would like to have an opportunity to speak to this bill as well. Bill 91 has caused a great deal of debate in Elgin county. I'm sure you would know that Elgin county is basically rural. It's very diversified: tobacco, orchards, fruits and vegetables, commodities of all kinds. We've had a chance to have pretty broad discussions with regard to this bill.

I would say to the member across the floor that there are some concerns with regard to agricultural workers and the way they're dealt with in the agricultural community. Some question the need for advancement of agricultural workers; certainly we've heard that discussion, and I think it's well understood.

But in terms of what the government has said and government members have said, with no deference to them, this is a bill that is being accepted rather than supported. People I've talked to as recently as a day ago have told me very clearly that they're in the position that they simply have to accept this bill, that they really have no choice with regard to something different or something they would much rather have, which is the exemption. I classify it more as acceptance rather than support.

I will tell you that no one has asked me for this bill. Of all the people I've spoken to with regard to this bill in the agricultural community, in fact before this bill was discussed, no one has come forward to me and said: "We need a bill like this brought into the Legislature. Would you proceed with that?"

The member for Kitchener-Wilmot mentions the fact that there will be no strikes. We spoke earlier at some length about strikes, and perhaps the concern is not that there would be a strike on a family farm, but there is the opportunity for strikes at a different level which would have some effect and some impact on family farms. If you can't market your product, if you can't put your product forth into the market and have a sale of your product, then it is impacting the family farm. That is of some concern.

The other aspect of it is that in the event that there are no strikes—and the member says there will be no strikes—we now have to go to arbitration. I don't know that people in the agricultural community have dealt with the situation of arbitration at length or to any great degree. I understand it to be a very costly and time-consuming situation, and it does create a load of paperwork for the person who would be involved in it.

Another thing that's been brought to my attention is that, coming back to the definition of "agriculture," I know it was something of a sticking point for the people who worked together to try to come to some resolution on this bill. I don't know, in my own mind, that I can honestly say that the discussion with regard to the

definition has clarified the situation of the definition of "agriculture." I bring that point to the floor today as well.

Governments over the last 10 years have had opportunities to bring the issues of rural Ontario forward, and although the member who spoke before me said the Liberal government has done great things for rural Ontario in the past, I would beg to differ with that statement. I don't see that to be the truth and I don't understand that to be the truth when I speak to members who are out there in the rural community and who have spoken to me. Agricultural legislation has not come forward to any great degree, as was discussed and suggested. I don't accept that and I don't think the people in agricultural Ontario or rural Ontario accept that either.

There has been recently, and in the past, a loss of programs in terms of research and development, in terms of land conservation programs and in terms of agricultural education facilities. There has been, to a certain degree, a loss in terms of agricultural education facilities. I know the minister wrestled with that issue as recently as a year or so ago and had some difficulty with it. That impacts rural Ontario, because agriculture in Ontario is an industry that's aging, and we need renewal in rural Ontario. We need renewal, we need regeneration, we need younger people to come into the agricultural industry to keep that industry going so we can feed ourselves here in this province.

When programs are taken away, when research and development dollars are taken away, when all those things are impacting agriculture all at one time, then to bring in the suggestion that perhaps the people who are involved in agricultural labour are not being treated properly, or that a bill has to come forward to ensure they're treated properly, makes it very difficult for people who are farmers and agriculturalists.

What we need in agricultural Ontario is legislation that's supported by and works for farmers and farm workers. We need to work towards that goal and I would support that goal. Opportunities exist in rural Ontario to do things in a better way.

A lot of people have discussed with me legislation that would pertain to the right to farm. The words "right to farm" have been mentioned to me a number of times in terms of legislation. People feel very strongly about it in rural Ontario, and it's something they would like to see brought forward. That would be an interesting debate for this House to have, and I would enjoy participating in that debate.

Again, what's best for rural Ontario and what's in Ontario's best interests is a strong and vibrant rural community where there are young agriculturalists and farmers and people in the research and development areas of agriculture coming into the industry and renewing and regenerating that industry for us.

I'll close simply by saying that it is a disappointment that we can't take this particular bill out to a committee and discuss it, not just here in Toronto for a couple of days but across the province for a week or so and get a general consensus and a general interest of what's happening out there across the province and what people's true and honest views are of this particular piece

of legislation. Madam Speaker, I want to allow other people to have their time to speak as well, so I'll close simply by saying that the people of Elgin county, to the best of my knowledge, do not support this bill and I will not be supporting it either.

1750

Mr Noble Villeneuve (S-D-G & East Grenville): I was not going to rise today, but I have to reply to the member for Northumberland. What really happened is that the government House leader and the two opposition House leaders met, and at one point—we've always asked for two weeks of public hearings across Ontario—the Liberal government House leader said, "Maybe we could settle for two days of hearings in downtown Toronto while the Legislature is sitting." That is what occurred. We said: "No, we will not accept two days of committee hearings in downtown Toronto while the House is sitting because that is not sufficient and the farmers of Ontario deserve to fully discuss 91."

Mrs Fawcett: Of course not, but it's better than nothing.

Interjection.

Mr David Tilson (Dufferin-Peel): Get your facts straight. You're making up facts, and you know it.

Mr Villeneuve: I backed off and asked for one week. I asked for one week yesterday.

Mrs Fawcett: And I said it would be good.

Mr Villeneuve: Two weeks? We asked for one week, still not able to get it, but the truth of the matter, and it had to be on the record, was that the Liberals were ready to settle for two days while the House was sitting in downtown Toronto.

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): I just want to take a couple of minutes to say a few things in response partly to what's been said today and what was said perhaps last night and at earlier times.

First of all, one of the things that's been said is that farmers don't want this. That's because a lot of the farmers are not going to be affected by this. In talking to the unions that I've talked to, which is not a group that I often meet with but I was talking to some union folks recently, I said, "What is the smallest size that you would consider to organize in terms of a job location?" They said, "Well, 20 is kind of the break-even." Anything less than that they're not interested in.

I want you to know that there are 126 farm operations in Ontario that have 20 or more full-time employees. I don't know that they would be family farms. In my view, they would be something quite different, but there are 126 such operations in the province. Two of them are dairy operations, and I don't know where those dairy operations are. My suspicion is that they're not really farms; they're dairies which are attached to farms, fairly large corporate farms. So the people who will be affected by this, as employers or farmers, are probably 126 or less. So let's get that clear. There are thousands and thousands and thousands of farmers out there who will not be affected by this and they're not concerned about it, and that's important.

The other thing is that there are several thousand farm workers who do work in large agricultural operations, and we happen to believe that they have a democratic right to collective bargaining the same as we have in other sectors, providing that it does not interfere with the orderly marketing of the produce from that operation, and that has been worked into this bill through amendments and through the original task force.

We crafted this bill by working with farmers and trade unions and government people working together. There was one cut at a draft. Then the farm groups took that to lawyers and to their members and said, "There are problems with this original bill. We'd like some amendments," and they listed them, 11 of them in fact. People sat down and agreed to make those amendments. We've shared them with the opposition.

The farm groups actually took those amendments even back to a second legal opinion to make sure they were getting everything they had expected, and they said to us: "Yes, we have everything in there that we want. There's agreement on this piece of legislation." At the same time they said to us, "Don't start playing around with it. Don't start changing words, because we believe that we've crafted something here that we can live with on both sides," both the unions and the farm leaders. They thought we had a piece of legislation that they could live with, that was acceptable to them.

At the same time, because I heard one of the claims was that farmers are not familiar, and that's true, we're going to have in place an ongoing group which will provide support and education for farmers and farm workers in terms of what their collective rights and duties are under this legislation. So we will be providing, and some of those people will be from the Ministry of Agriculture, to work with farmers if they do encounter a group that decides to organize.

The other thing I would say is that we very strongly believe in the rights of farmers to come together as well, not just farm labourers, workers, but farmers. We believe very strongly in supply management where farmers can come together and bargain collectively for the produce they sell, supply management through marketing boards. We believe in trying to empower the farmer. If I thought for one minute that this piece of legislation was going to hurt the family farm, I would be opposing this and would have been opposing this from day one. This will not hurt the family farm. We would have never reached this day, this process would have never gotten this far if I felt that this was going to hurt the family farm.

I respect, though, the rights of the opposition members who have raised concerns around this legislation, which is their right and their duty, and I respect them for that. There are a number of members from rural Ontario on the other side of the House who have represented agriculture and farmers very well in this House on this bill and other bills, and that's their duty and I respect that. But I want them to take a look at this in terms of the family farm. This is not going to affect the family farm. This will give collective bargaining rights to farm workers on larger operations, which, quite frankly, I don't necessarily consider family farms.

I think, since we have a number of other bills we'd like to pass this evening, I will stop there and urge all members to support this very reasonable bill.

Mr Norman W. Sterling (Carleton): I'm going to be very brief. The minister stood up and said this is not going to affect the family farm, but I want everybody in Ontario, every farmer in Ontario, to understand that the bill does not say that, unfortunately. It does not say that you have to have 20 employees before this bill comes into effect.

If the minister would have included that in the bill, then the kind of opposition which he is now facing from the opposition, from the Conservative Party, from the farming community, would not be there. So I ask the minister, why doesn't he take it back and say that you need to have 20 employees before this legislation comes into effect?

The problem here that we're talking about is, the vast number of farms in Ontario do not have that number, and quite frankly, if the minister is correct, then there's no harm in inserting such a provision in this bill and excluding the great number of family farms in this province.

We can only come to one conclusion: that in fact, because that provision is not there in the bill, the bill is meant to affect the family farm, it is meant to affect farms that have two or three or four employees. If not, why is the exclusion not there?

Secondly, I want to say this, that because of the incompetence of this government, both in terms of Bill 40 and Bill 91, this government has evoked a reaction among both opposition parties and if either one becomes the government after the next provincial election, Bill 40 and Bill 91, as I understand it, are gone.

I want them to take the responsibility for every agricultural worker, every employee of every farmer, for the mishmash, the incompetence of bringing forward a piece of legislation which does not fit the agricultural landscape of Ontario, and as a result, you have put the efforts and the work of people who are trying to promote the benefit of those employees across Ontario—you've put the work of people who have tried to improve their lot back a decade.

1800

Mr Paul Klopp (Huron): I will answer the question that the honourable member brought forward just now: Why isn't there a number in the bill? In fact, when we negotiated, we put forth at the ministry level—I was at the table and sat there and said, "Why don't we put down a number—10, 20?" The farm community said: "No, no, we don't want any numbers. We do not want to set up any classes of farmers. We don't want to have a class of farmer with 20 employees versus one with four. If we're going to go forward, we want no numbers."

Far be it from this humble member not to listen to the farm community; far be it. I put it forth. I was at the table and they said no to numbers. If that is why, I can understand why the honourable member didn't know that. I appreciated him asking. He could probably have asked his very worthy colleague Mr Noble Villeneuve, who probably could have answered for him, but I'm glad to

get that on the record. And further, as the Minister of Agriculture said, this government is totally supportive of farm families. We work with the farm families. I have the same respect, that if I thought for a second this was going to harm the family farm, it wouldn't have gone any further.

In fact, that's why we consulted; that's why we put forward that the labour committee would be listened to and the Labour minister listen. Many in the farm community have been quite pleasantly surprised that a minister, with all the pressures, could work the way the Minister of Labour did and work with the rural members of this caucus and, I must say, with the support of all the caucus, because you need to make sure you have many behind you. This caucus stood behind the rural members and said what they wished to have in this: "Mr Minister of Labour, you should listen." It was a prime example of what this government has done on behalf of the family farmers in this province. Again, why are there no numbers? Because the farm community did not want numbers, that's why. We listened to them on every account and we continue to listen to them.

We also support, as the minister pointed out, in the orderly supply management sector—because farmers need to make a living. The family farm can only make a living if it's making money at the farm gate. There was a group called Ontarians for Responsible Government and they were an organization that came out against the stable funding bill. I listened to their arguments and many, many farmers said: "Where was this group before? I never heard of this group at all." They said that bill was wrong; they said it was not what was needed. We went forward.

Yes, I agree, there are farmers who don't all want to join an organization and that's fine. That's why it's refundable. But it's right for people to think about joining an organization and to get involved in an organization. Just as sure as the Ontarians for Responsible Government, who didn't know anything about agriculture, said that bill was wrong, they were wrong about that bill and I believe, as this goes on forward—just like in all the other provinces, where the family farm is not attacked by the right for workers to organize, this will be the same that will happen in this bill.

I will close. I appreciate all the members in this House who brought forth their concerns, because that helped us in drafting a bill which did respect the family farm and I appreciate that, I really do. But I really also want to say that we did what we promised to do. We would listen to the farm groups and the farm groups have been listened to. That's why, in my county, the federation and many individual farmers have come up to me and said, "If you are going to follow what the recommendations were of the labour committee, then I have no trouble with this because, as a person who's in supply management, like in dairy, we needed government to listen and to follow through and to promote." They see no more difference in that than in this bill.

Mr Will Ferguson (Kitchener): The obvious question some may ask is, what does an urban member of this government know about what essentially is an agricultural

bill? I want to tell you that I've had the opportunity to meet with some of the workers who live in my riding who are employed, not on a family farm, but are employed in the agricultural sector and work for what I think really is an agricultural factory. That's what this bill is trying to address, those workers who are employed, not on a family farm, but in an agricultural factory.

When I met with these individuals—I won't be long—and this by no means makes me an expert, but they did tell me about the needs they have in the workplace where they're currently employed. They're currently employed in an egg-producing factory that is classified as agriculture, and they told me about their working conditions. The working conditions, let me tell you, are absolutely horrendous. If I could believe only 50% of what they related to me, I don't think there's a member in this House who would allow their son or daughter to be employed under the working conditions they have to toil with day in and day out—absolutely no benefits, none of the provisions of a workplace that I think we come to enjoy and expect in 1994. My friends are quite correct when they say that when it comes down to organizing any type of agricultural factory the numbers have to be there to make it viable in order to do so. In the case of the workers in my community who are employed in these agricultural factories, the numbers certainly would be there.

What we're hearing is that agricultural Ontario is going to come to a grinding halt later this evening and for every day onward if this bill is passed. We heard the same thing about Bill 40 and what is interesting, when you do the comparison between this bill and Bill 40, is that the opposition said, "Bill 40, is going to have dire consequences for the province—not today, but a year down the road."

It is a year down the road and take a look at what's happened. The unemployment rate in this province has dropped a full percentage point a year later. That's one of the things. Nine out of 10 jobs created in this province are now full-time jobs rather than part-time jobs. That's one of the dire consequences that's occurred. Forty-seven thousand jobs have been created through the Jobs Ontario program, notwithstanding Bill 40, and it is well past a year later; another, I would say quite cynically, dire consequence. And for the first time in a long time for this province, and in relation when you look at other provinces, the social assistance case load is starting to drop because of Bill 40.

Madam Speaker, I'm not a soothsayer and I don't have a crystal ball here, but what I can tell you is that every worker in the province of Ontario, I believe, is entitled to some basic enjoyments in the workplace, reasonable working conditions, reasonable payment for a reasonable day's work and some reasonable benefits. I think they expect no less than that and they are demanding no more. This bill is but a vehicle to ensure that this happens, to ensure that they will be treated much the same that we would expect any of our family members to be treated in the workplace.

Mr Ron Eddy (Brant-Haldimand): I appreciate the opportunity to speak, and I was not going to speak to this bill in any way because our Agriculture critics have done

a tremendous job, but after hearing the member for Kitchener make some of the statements that he has, I must rise from my seat and speak very briefly.

The member for Kitchener has said that he's talked to farm workers. I would like to point out that the member for Kitchener has a number of farms in his area, in the city of Kitchener, and I'm not sure whether they're in his riding or not, but some very active, excellent, producing Waterloo county farms in the city of Kitchener, but adjoining his riding. I would have hoped that he would have talked to one or two of the farm owner-operators as well as just the farm labourers.

I want to put on the record what I find with farm owners and operators. Let's take dairy farmers or any type of farmer who produces produce that's got to be collected, harvested at a certain time. They indeed treat their workers very well, and I'll tell you why. If they don't treat them well and if they don't pay them proper wages and if they don't pay them any benefits, they won't have them, because people will not put up with that.

What I have found on many, many occasions is that farmers pay above the going rate and do extra things to provide benefits for the workers on those farms in order to keep them, because that is the name of the game of agriculture in the province of Ontario. If you don't do it right, you don't have people helping you and you don't have people working for you. I just wanted to put that on the record because I feel so strongly about it.

Now that I've gotten into that, what I would have preferred is that instead of the advisory committee having the composition it did, I would have had farm workers and farm employers work it out together, instead of loading it with labour representatives in addition. I feel very strongly about that. I think it could have been done much differently and we could have had—

Interjection.

Mr Eddy: Mr Hope, the member for Kent, is interrupting me, Madam Speaker. Would you—

Mr Hope: No, I'm not; I'm talking to Noble.

Mr Eddy: It could have been done much better, and I think we could have had a much better result.

1810

Hon Bud Wildman (Minister of Environment and Energy): I'll just speak very briefly. I just listened to my colleague from Brant-Haldimand, and I'm sure he's correct. Having an important agricultural community in my riding, I'm sure he's correct in what he says about how farm owner-operators treat their employees. I just would say that if working conditions and pay rates are as good as he believes them to be, which I would concur with, then farmers have absolutely nothing to fear from this legislation.

Mrs Elinor Caplan (Oriole): I thought I'd start my very short comments by saying that I believe all of the farm owners as well as farm workers in the riding of Oriole are opposed to this bill. That's facetious because of course there are no farm owners or farm workers—certainly there are no farms in Oriole. Whether there are owners or workers, I doubt there are very many.

But I've listened carefully to this debate and on behalf

of the constituents in the riding of Oriole, I want to express their concern. Their concern is that this government is not listening to the critics from the opposition parties who are saying to them that this is yet another labour bill which is not wanted. It is not needed. It is not contributing to economic prosperity and development. It is not creating jobs in this province.

At this time, what my constituents in the riding of Oriole want is for this government to focus on creating the kind of environment which is not anti-business, the kind of environment which is going to encourage job creation in the private sector and not take the time of the Legislature bringing forward legislation that is not wanted and not needed.

Mr Larry O'Connor (Durham-York): I want to thank the Minister of Agriculture for taking the opportunity to join the Premier in meeting with over two dozen agricultural leaders in the riding of Durham-York. Two weeks ago, this minister came to my riding and sat down at the table, a bearpit session. He's done this a couple of times, not just once. This is about the third or fourth time that the Minister of Agriculture has come to the riding of Durham-York for a bearpit session with the people from the agricultural community, the leaders, including the regional chairman, and what not, who's a farmer.

You know what wasn't raised as an issue? Bill 91 wasn't raised as an issue from any one of those farm leaders, because they are very well aware that the Minister of Agriculture has gone through a very full and extensive consultation process.

I want to thank the Minister of Agriculture for coming to my riding and sitting down with all those agricultural leaders from my riding, because it's a very important step in communication, that he goes right out beyond the group that he had the opportunity to meet with from the umbrella, larger groups, like the OFA, to go right to the local federations, meet with those reps, meet with all the different commodities from my riding and have that one-to-one dialogue.

I appreciate the opportunity to support him on this bill. I know he is very committed to the family farm, to agriculture and to rural Ontario, and I support him in his support of Bill 91.

Mr Bill Murdoch (Grey-Owen Sound): Since everyone else is getting into the debate, I might as well and speak on behalf of the farmers in my area and also in the area of Scarborough for my friend, Mr Curling, there. He was mentioning that the farmers in his riding were having a tough time with this bill, so I thought I'd speak on them also.

But here we are again. We've only got around seven minutes to debate a bill that they've rammed through this House again, one of these bills where they had to bring in closure. They wouldn't want us to talk too much about something because we might disturb something they've come up with. Another bill; no consultation with the farmers again.

The member over there spoke about his bearpit sessions. I wonder who was at the meeting. He mentioned a few people, but obviously it must have been a barbecue

he was having and he forgot to talk about the issues.

In the farming community, no consultation: This is the big thing about this bill. They want to ram it through. They've got to put this bill through. I'm glad to see now that the Liberals have also decided that if they somehow might get in power, they will get rid of this bill also. It's nice to see that they've finally committed themselves to this. Hopefully, they'll do the same with Bill 40 when this happens.

Here we are in here with now only six minutes left to go, having another bill rammed through the session near the end. "We've got to pass this. We don't want to go out and listen to the farmers," because they might tell them they don't like this. They might go and tell them they don't like this, and they wouldn't want to hear that.

As I've said many times, I think the minister felt alone sitting over there because he had some friends and none of the other ministers had any friends. So he said, "I've got to think of a way of getting rid of my friends." This is one of the reasons he's done this, I'm sure, because it doesn't make any sense to unionize our family farms. It doesn't make sense.

They get up there and talk about the bigger farms, and I heard the member from Kitchener talking about the poor conditions and things like this. If they're there, then our labour laws should look after that. We don't need unions to come in and take over.

I notice the member from Kent, near Chatham. He's getting quite excited. I'm sure he's going to support this, because he doesn't know for quite sure what he supports in the farming community. He has trouble supporting stable funding. He didn't support that, so I don't really think he supports the farmers anyway.

Unfortunately, our Minister of Agriculture is starting to let go too, and that's really unfortunate because he had done a very good job up until this point. It's just too bad because I'd say that in the farming community the farmers did like the Minister of Agriculture, but now he's trying to ram something down their throats and they don't go for that. I'm afraid the minister has got off his track. He got the new appointment of Rural Affairs and I don't know whether that went to his head or not, but somehow he came up with this bill. Maybe he also wants to be the Labour minister; I'm not sure about that.

It's just too bad that the Minister of Agriculture has let the farmers down and will not send this bill out to committee. It's unfortunate. All we asked for was one week so that they could hear what the farmers really thought about this, but they said: "No, we're a socialist government and that wouldn't look good on our record. We've pretty well ruined the rest of Ontario, and we might as well try to ruin the farming area too."

This is what will happen. Now we'll have our family farms unionized. It may be more money in their coffers—I don't understand it—but it would have been nice if they'd had some democratic process and allowed this one out to committee.

The Acting Speaker: Is there any further debate?

Mr Cooper, on behalf of Mr Mackenzie, has moved third reading of Bill 91. Is it the pleasure of the House

that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1818 to 1823.

The Acting Speaker: Order. Would members please take their seats. Mr Cooper, on behalf of Mr Mackenzie, has moved third reading of Bill 91.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Abel, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Christopherson, Churley, Cooke, Cooper, Coppen, Dadamo, Duignan, Ferguson, Fletcher, Frankford, Gigantes, Grier, Haec, Hampton, Hansen, Haslam, Hayes, Hope, Huget, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Lankin, Lessard, MacKinnon, Malkowski, Mammoliti, Marchese, Martel, Martin, Mathysen, Morrow, Murdock (Sudbury), O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rae, Rizzo, Silipo, Sutherland, Swarbrick, Ward, Wark-Martyn, Waters, Wessinger, White, Wildman, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wiseman, Wood, Ziemba.

The Acting Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Arnott, Beer, Caplan, Carr, Cleary, Curling, Eddy, Elston, Eves, Fawcett, Harnick, Henderson, Hodgson, Johnson (Don Mills), Jordan, Marland, McGuinty, McLean, Murdoch (Grey-Owen Sound), Murphy, North, O'Neil (Quinte), Poole, Runciman, Ruprecht, Sterling, Stockwell, Tilson, Turnbull, Villeneuve, Wilson (Simcoe West), Witmer.

The Acting Speaker: The ayes being 64, the nays being 32, I declare the motion carried.

I would invite members, if they are about to leave, to please leave the chamber. We would like to proceed with the business of the House.

1830

Mr Chris Stockwell (Etobicoke West): On a point of order, Madam Chair: According to the order paper today, and section 37(d), there was a private member's bill that was not part of the order paper period today and I had no knowledge that it was coming forward. They asked for unanimous consent to present it for second and third reading in my absence, and it was never discussed, it was just brought forward today.

I was wondering if we could just have unanimous consent, according to 37(d) of the standing orders, so I could debate that private member's bill, or at least have an opportunity to vote against it.

The Acting Speaker: Thank you for raising the point. There was agreement at the time in the House, and we have to proceed on that basis.

Mr Stockwell: I know that, Madam Speaker, and I

don't deny that. I'm sure there was unanimous consent. But seeing as how I didn't know it was coming forward, it wasn't listed on the order paper agenda, I'm just seeking unanimous consent to allow that to be opened.

The Acting Speaker: Is there unanimous consent for the member to participate. No? Unfortunately, there is not.

BUDGET MEASURES ACT, 1994

LOI DE 1994 SUR LES MESURES BUDGÉTAIRES

Mr Sutherland, on behalf of Mr Laughren, moved third reading of the following bill:

Bill 160, An Act to amend certain Acts to provide for certain Measures referred to in the 1993 Budget and for other Measures referred to in the 1994 Budget and to make amendments to the Health Insurance Act respecting the Collection and Disclosure of Personal Information / Projet de loi 160, Loi modifiant des lois pour prévoir certaines mesures mentionnées dans le budget de 1993 et d'autres mesures mentionnées dans le budget de 1994 et modifiant la Loi sur l'assurance-santé en ce qui concerne la collecte et la divulgation de renseignements personnels.

The Acting Speaker (Ms Margaret H. Harrington): Opening comments?

Mr Kimble Sutherland (Oxford): We had quite a bit of debate on second reading. Just to remind folks, Bill 160 includes a number of amendments to specific acts to implement initiatives in both the 1993 and 1994 Ontario budgets. Briefly, here are some of the key amendments: alterations to the Employer Health Tax Act—

Interjections.

The Acting Speaker: Would the member take his seat? Members, it is impossible to hear the member who is speaking. We do have to be able to hear the member who has the floor.

Mr Sutherland: Thank you, Speaker. I'm sure some of my colleagues would find it hard to believe that it would be hard to hear me speaking.

However, the bill includes alterations to the Employer Health Tax Act which will help to encourage small and medium-sized Ontario businesses to hire more workers. I notice in today's paper that one of the things the chamber of commerce is calling for in their plan to create a million jobs nationally is an exemption for a year on payroll taxes. So I'm glad to see that we were ahead of the chamber of commerce in making this move.

Also, we have the access to capital plan, which will provide changes that increase investment opportunities for loan and trust companies, cooperatives and labour-sponsored investment funds. This too will help small business to grow and create jobs.

Of course, another important part is the separate pension plan for members—

Interjections.

Mrs Margaret Marland (Mississauga South): On a point of order, Madam Speaker: I cannot hear the speaker who has the floor. There is a lot of turmoil, a lot of noise in this House at this point.

The Acting Speaker: I thank the member for Mississauga South. It is indeed my duty to ensure that

people can speak in this House and can be heard.

Mr Sutherland: As I said, the changes to the Employer Health Tax Act will help to encourage small and medium-sized Ontario businesses to hire more workers, which is similar to an initiative the chamber of commerce has been asking for in their plan nationally to create one million new jobs.

We also have the access to capital plan, which will provide changes that will increase investment opportunities for loan and trust companies, cooperatives and labour-sponsored investment funds. This too will help small businesses to grow and create jobs, because they'll have better access to capital, which is a problem for small business in this province.

Another important part of this legislation is the separate pension plan for members, which will be established through the Ontario Public Service Employees' Union Pension Act. I know that concerns have been raised about this and I would ask anyone who has those concerns to refer back to the comments of the Chair of Management Board on second reading debate, where I think he addressed many of the concerns that I've certainly heard expressed in the debate by members from the opposition.

In addition, an innovation tax credit is also allowed in the bill to again encourage and support companies that invest in research and development in Ontario.

This bill is primarily implementing the 1994 budget initiatives about supporting the continued economic growth in this province, more of the efforts to get people back to work, more job creation and more support for small business in the province of Ontario, which I think all members in this House believe are the right directions that any government, and particularly this NDP government, should be following at this time.

The Acting Speaker: Thank you. Questions or comments to the member for Oxford? Seeing none, further debate?

Mrs Elinor Caplan (Oriole): This is third reading of a bill which I think is unprecedented in this House and which will in fact set a precedent for future budgets and future governments. We have an omnibus bill that contains all of the features and all of the provisions implementing the Treasurer's budget. Contained in this legislation there are some features which, if they were presented to the House on an individual basis, I as revenue critic and my caucus could support. There are some that we would have liked to have an opportunity to discuss before we would offer support, because we're not sure they will achieve the objectives as stated.

The one I would give as an example is the employer health tax. I'm not convinced that the way the government has gone about implementing the decrease in the employer health tax and the one-year holiday on payroll increases will lead to greater employment. I would have liked to have an opportunity to discuss that with the ministry officials to see how they're going to be accountable for the result, which is increased jobs. If it does increase jobs, I support it. If it doesn't increase jobs, then I have some concern that the government is not doing enough to encourage private sector job creation.

I would point out there are now 16 sections of this bill; one has been withdrawn. But each one of those 16 sections deals with a different act and a different part of public policy. Some of those public policies are very, very significant and we truly have not had the kind of debate and discussion on some of those issues that I think they are deserving of. The fact that the government has refused public hearings on Bill 160 I think sets again a very important negative precedent in dealing with budgetary measures and fiscal policy of the government.

The other particular policy issue that I am very much opposed to and would like to put on the record at this time is the inclusion of health policy in a fiscal document. It is unprecedented to see the kinds of changes in residency definition and to put in there the ability to collect copayments from patients in psychiatric hospitals. To have that included in a bill like this, which is a fiscal and economic policy bill, I think is a shame. It's a shame to the Minister of Health that she would have gone along with not insisting that this be part of health legislation so that it could be debated within the context overall of health policy.

There are many other provisions of this bill that are not worthy of support, and there is another one that I would like to point out because I will be meeting with members of AMAPCEO, who are the excluded group. They are the public servants, thousands of people who work for the Ontario government but are not members of OPSEU. They are the management class of employees and they have chosen to form a separate bargaining agent and they call themselves AMAPCEO.

They are very upset that the government has moved unilaterally without consultation with them, betraying promises and commitments to them to both consult as well as protect their interests in their pension plans. This government has not even permitted the kind of public hearing debate following second reading that would have permitted them the opportunity to come before a legislative committee and in public express their concerns.

While there are some features of Bill 160 that are worthy of support, that could be worthy of support if they had public scrutiny, there are many features within Bill 160, among the 16 provisions in the separate sections of Bill 160, that do not make it supportable. I would like to highlight—

The Acting Speaker: To the member, just a moment. There seem to be quite a few conversations going on in the chamber. I would ask you to refrain because it interrupts the member who is making her comments. The member for Oriole.

1840

Mrs Caplan: Thank you very much, Madam Speaker. Given the number of public policy issues which are contained in Bill 160, given the attention of this government to a command-and-control method of governing which we see has not only not worked but has been tremendously undemocratic, and the enormous precedent which I predict will be used by future governments because the precedent has been set and established to deal with budgetary matters flowing from the provincial budget in one piece of omnibus legislation, I believe

democracy and the precedents of this House are such that we will look back on this day and see this precedent as not having been a positive one.

I thank you very much, Madam Speaker. We will not be supporting Bill 160.

The Acting Speaker: Questions or comments?

Hon Brian A. Charlton (Chair of the Management Board of Cabinet): I just wanted to address one part of the comments that the member for Oriole made, and that was with respect to the pension part of this bill in our dealing with both the creation of the new OPSEU pension plan and the residual plan, the OPS plan, and the questions that have been raised during this debate about the viability of the two plans.

I'd like to just very quickly reiterate that all of the actuaries that have looked at the work we did around this pension plan split, all of them, excluding none, agree that the two plans that are being created in this legislation are both viable, both sound, that the members' pension benefits are protected, and in that respect we believe that this day marks an historic occasion, a landmark occasion in public sector labour relations.

I'd like to take a few moments to simply thank a few people who put a lot of work into this aspect of a bill that is being criticized by the opposition, and say to those from the OPSEU negotiating team, Fred Upshaw, Heather Gavin, Len Hupet, Paul Lane, Grant McGillivray and their legal counsel, Murray Gold, that this is an historic occasion in terms of public sector labour relations. The kind of historic agreement that we've reached here is one that we can also reach with all of the other partners eventually in the remaining plan, and we should strive to do that.

I'd like to also thank my negotiators Richard Lundeen, Phyllis Clarke and Angela Pesce and all of the rest of our negotiating team for a lot of excellent work on this project.

Mr Murray J. Elston (Bruce): It's quite interesting that if you had really stood by the interests of all of the parties who were involved in that one plan, you would have developed a strategy to discuss the entire plan with all of the people who are included in it. The people who are part of the plan whom you didn't talk to are left to accept what you decided to leave there, not what they were allowed to determine for themselves was going to be sufficient for their members.

You have done something that is really unusual in my view. OPSEU has actually abandoned people who were retired before January 1, 1993, into a separate plan. They are carrying forward anybody who was member of their organization after January 1, 1993, but I tell you, it's kind of a strange world that you've created. One group of people got to negotiate whatever they thought was appropriate and move on to another plan, a brand-new plan under their conditions. It seemed that you should have dealt with the rest of them.

I don't have any concern that people who are involved in a plan should have a role to play in discussing it, but how can you talk to one group, segregate their money and then forgo speaking to all of those who are kind of

left behind? It seems to me that what this is all about is to try and grab as much money as they can to soften the blow of their poor fiscal planning. They have made a deal around the social contract which, in my view, is unconscionable. It will lead to costs which are deferred well into the future and it is, from my standpoint, not a very upfront type of an agreement. We will all live to regret your connivance and your fiddling around with this plan.

The Acting Speaker: Further questions or comments? Seeing none, the member for Oriole may reply.

Mrs Caplan: I do want to reply to the comments made by the Chair of Management Board. I would remind you, sir, that you have the obligation, as a minister of the crown, to take into consideration both the public interest and the interest of all of the employees in the Ontario public service. By singling out a special interest and dealing with them in a way which may not be to the benefit of the public as well as the other members of the public service, you are doing a disservice and, in my view, you're not living up to your responsibilities as a minister of the crown.

One of the things that we're very concerned about is the additional cost by splitting the two plans, and that's one of the things that AMAPCEO is very concerned about, the fact that they are now going to have duplicate administration costs for their plan.

Secondly, the future costs and the future cost implications by the deferred payments and the fact that this actually was a negotiation which resulted in, in my view, a result that was not in the public interest and the fact that you did not include in your discussions and negotiations all of those who had an interest in your plan is a disservice not only to the employees of the Ontario public service, it is a disservice to the public of Ontario who receive services from all of those employees.

It is not an example of the kind of human resource relations, management-labour relations, and unfortunately, I have to say that it's not the kind of response that I would expect from any government, particularly one that purports to speak fairly on behalf of workers.

I am very disappointed that the Chair of Management Board would rise to congratulate people who participated in something which clearly may not be in the interests of those people who feel excluded and clearly is not in the interests of the public of Ontario who are going to have to foot the bill.

The Acting Speaker: Further debate? The member for Don Mills.

Applause.

Mr David Johnson (Don Mills): They don't seem to share your enthusiasm on the other side of the House.

I'm just going to pick up on—

Interjection.

Mr David Johnson: The member from Durham can't quite seem to coordinate there.

I'm going to pick up on that theme because I believe the member for Oriole and the member for Bruce are bang on, or spot on, as the Minister of Finance is fond of saying.

Interjection: Used to say.

Mr David Johnson: Used to say, yes. He's not spot on any more, is he? No.

But what's happened here is that an undertaking was given to all of those involved in the pension plan, including AMAPCEO, which stands, I might say, for the Association of Management, Administrative and Professional Crown Employees of Ontario, the OPP, the Ontario Provincial Police, the Ontario Association of Correctional Managers, that if the plan was split, they would have a say in terms of the actuary who did the valuation.

I wish the Chairman of Management Board was here, because I am told by all of these organizations that they had no say, that the undertaking that was given to them that they would have a say in the actuary was broken by this government; this government broke it.

A year ago, part of the deal with the Ontario Provincial Police, through the social contract negotiations, was that there would be no split of the public service pension plan. That was part of the arrangement of the social contract. That was in writing. That has been broken.

Two promises have been made to the members of this pension plan; two promises have been broken and I wish that the Chair of Management Board would come here and address both of those issues. He did not respond—there he is. Good.

Mr Chair, I hope in your two-minute response you will address those two particular issues: your broken promises to the Ontario Provincial Police that you would not split the pension plan, and secondly, that you would allow the other members of the plan to have a say. You've broken both of those promises.

1850

You've done that for the reasons that the member for Bruce has pointed out, that this will generate about \$1 billion. I've heard the parliamentary assistant use the word "save," that this government is going to save \$1 billion. That is complete hogwash.

This money is going to have to be paid. There's about a \$2.5-billion unfunded liability in the public service pension plan that remains to be paid as we sit here today. If this money, about \$1 billion, because of this fiddling of the books, had been directed to that unfunded liability, then the unfunded liability would have been paid off, according to the Finance staff.

Hon Frances Lankin (Minister of Economic Development and Trade): I'm just amazed at a Tory talking about the unfunded liability. This pension plan existed for years.

The Acting Speaker: Order. One member has the floor.

Mr David Johnson: The member wants to talk about old history again. We go back into the early 1980s, 1970s. I don't know how far back she wants to take me.

Let's talk about today. You had an option of what to do with this money, and you've chosen to cook the books of the province of Ontario to the tune of \$1 billion over a three-year period. I think you have a lot of answering

to do for that. It's going to put the books of the province in a very awkward spot after this period expires.

I might say, it's not just the opinion of myself and the members of the Liberal government. I have a letter from the Ontario Association of Correctional Managers with regard to the public service pension plan. This letter is addressed to the Honourable Brian Charlton, Chair of the Management Board of Cabinet.

Hon Ms Lankin: Signed by George Simpson, right?

Mr David Johnson: It's signed by Mr Simpson.

Hon Ms Lankin: What a surprise.

Mr David Johnson: It matters who signs it.

He's representing the Ontario Association of Correctional Managers. It's dated June 14, and he says to the Chairman of Management Board:

"You stated that the government has offered to meet with the remaining members of the public service pension plan to discuss how that plan should continue to be administered. To date, we have not yet received such an invitation."

They have not heard from you, Mr Chair. I assume that in the near future, after the bill has been passed, after third reading of the bill, then they will hear from you. Isn't that wonderful.

They go on to say: "When our association learned of the secret negotiations and agreement with OPSEU to split the pension plan, we wrote to your deputy minister on April 21 to express our dismay and frustration with the failure of your government to abide by its commitments and stated principles to treat all employees fairly and equally." This letter is addressed to you. "To date, we have not yet received a response."

I think that's very shoddy treatment of people who have served this province of Ontario.

I've agreed to limit my time, but I will say that not only is the Association of Correctional Managers upset but the members of the Association of Management, Administrative and Professional Crown Employees of Ontario are upset. They're taking you to court, as I understand it. The members of the Ontario Provincial Police are upset. You have broken all your promises to these people, to these employees of Ontario. I wish you'd stand up and tell us you did not break those promises that you made a year ago. I'll wait for that response.

I might also say just quickly that this party, the Progressive Conservative Party, stands in opposition to the corporate filing fee which is contained in this bill. The parliamentary assistant has indicated that he's hoping to create jobs, and this is how he creates jobs: by charging the businesses a filing fee. Presumably we don't know exactly what it will be. I think they're thinking in terms of a \$50 fee and all the paperwork associated with that.

If there's one thing that I have heard from the businesses in Ontario it is that in this day and age of a recession, when businesses are struggling, small businesses, large businesses, don't add any more taxes or fees on top of what they're paying already—they're already paying too much—and secondly, don't add any more red tape and paperwork.

I'm being instructed to wrap it up.

We stand in opposition to the corporate filing fee.

My last point is in terms of the education component. I think we should have permitted public hearings, not only to hear from those members in the public service pension fund but to hear from the public school board and the separate school board. The formula is being changed with regard to assigning municipal taxes to the two school boards.

I have a letter from the Ontario Public School Boards' Association specifically asking that you not proceed with this bill, their component of this bill, and that you have public hearings and hear from all sides on this issue, and you've turned them down. You have rejected their request simply for a public hearing. There was no urgency on this matter and you've denied them that opportunity to speak.

With those comments, Madam Speaker—and I might say, Madam Speaker, you look excellent in that particular chair. You're doing a fine job and I think this is perhaps a taste of the future, is it? We all hope so.

Hon Ms Lankin: I'm not going to participate in the full debate—I know that we're moving through a number of bills this evening—but I do want to take two minutes in response to the member's comments, just to make a couple of points.

First of all, he did point out during his discussion that I was raising points about the past and I think they're valid points. I think they're points that should be acknowledged by the member of the Tory party in that for years in this province—42 years of Tory reign—during the period of time in which there was a pension plan, in fact, it wasn't a fully funded pension plan. In fact, there was no defined benefit plan at all. It was a plan that was funded through the consolidated revenue with deemed interest accruing to members; no investments on behalf of the pension plan members' contributions at all. It was not until a separate pension plan was created in the mid-1980s that an unfunded liability was assessed.

As a result of the social contract and other measures that have been taken over the last couple of years which have changed the assumptions with respect to salary increases in the years, there has been a change in the actuarial assumptions and we have a situation where people and parties are benefiting jointly from that. That's a saving to the taxpayer in terms of contributions that would need to be made, bringing the deficit down quicker and in terms of interest payments that we would be paying on the borrowed moneys right now.

I also want to point out that for 42 years of Tory governments, and for Liberal governments, the pension plan was not negotiable. Under the Crown Employees Collective Bargaining Act, the pension plan—employees' contributions and the employers' contributions for deferred employees' wages—was not negotiable, the terms of investment and the terms of that plan.

It wasn't until we changed the Crown Employees Collective Bargaining Act and gave rights to people who have bargaining rights under that legislation to negotiate that this kind of negotiated deal was possible. I think it

is entirely appropriate and I would entirely defend the right of the government to negotiate with individual parties under that legislation with respect to their members and their pension plan contributions.

Mr Chris Stockwell (Etobicoke West): There's no doubt, if we're going to go back in history, that during some terms of some governments, pension plans weren't fully funded. It was a mistake. Those governments made a mistake during those times. I don't agree that you're not going to fully fund pension plans, because you're just passing off responsibility to future generations.

Having said that, this government has taken this to a new level. Maybe the accusation can be made about some governments not fully funding pension plans, but I look to the Liberals, and I know in this party, never have we taken money out of a pension plan. Never have we gone into a pension plan and taken hundreds of millions of dollars, literally, out of a pension plan. You have deferred your pension responsibilities to the teachers to the tune—

Hon Ms Lankin: You do not know what you're talking about.

Mr Stockwell: —of billions of dollars, plus—

Hon Ms Lankin: It's not true that you never went into pension plans.

Mr Stockwell: Is that not true? Of course it's true.

The next point is, this Treasurer went into the teachers' pension plan with this supposed negotiation and extracted money out of the plan and put it into general revenue.

We can be accused of maybe not fully funding pension plans in another life. I understand that. But this government has taken it to a new level by not just not funding them but by actually taking money out of them; reducing not only their commitment but taking money back and putting it into general revenue. Let's be clear: When it comes to fiscal propriety in the private sector when they were in opposition and companies went in to fully funded pension plans and took money out, you people went ballistic. Now you do the same thing and suddenly you're saintly and it's okay because government's a major responsibility and it's a major cross that you now must bear.

The Acting Speaker (Mrs Margaret Marland): Thank you. Further questions and comments. Does the member for Oxford wish to make a summation?

Mr Sutherland: No, the member for Don Mills.

The Acting Speaker: The member for Don Mills.

Mr David Johnson: And you were doing so well up to that point too, Madam Speaker. But we still love you and we still think you're doing an excellent job.

I do thank the member for Beaches-Woodbine who has risen on behalf of the Chair of Management Board, who had ample opportunities—walking out of the room now—to rise and address my two questions about the promises that were made, one to the OPP that was broken, and a second one to all the members of the public service pension plan that they would have the right to participate in selecting the actuary who did the valuation.

As a result, the evaluation has been done and the Chair of Management Board says it's a good one, but I can tell

you, the problem is that the members of AMAPCEO don't think it's a good one. Since they have not had the right to be involved in the first instance, that lingering doubt is there, Mr Chair of the Board, and there is an unhappiness. Unfortunately, we have many long-term employees of the province of Ontario involved who are unhappy with the results of their pension plan. I think that's a very sad state of affairs.

The member for Beaches-Woodbine makes the comments going back through history and the member for Etobicoke West has rebutted those very well. The point I would like to make about today, though, is that the opportunity was there, number one, to be fair with all the members of the pension plan; number two, if there is a surplus in today's terms, that surplus could be used, for example, to pay down the unfunded liability, which at this point totals about \$2.5 billion. The staff of the Finance ministry has indicated that rather than taking 40 years to pay it off, as it will at present, that could have been reduced to 15 years, and the people of Ontario would have been the winner in that sort of scenario.

The Acting Speaker: The member's time has expired.

Hon Mr Charlton: Before we move to the member for Oxford, I believe there's an agreement to see a division when this debate finishes and to limit the bells to five minutes.

The Acting Speaker: Is that agreed? Agreed.

Mr Sutherland: I want to thank those who participated in the third reading debate. I know much of this discussion talked about pension plan issues. Again, I would remind all members, including not only members here, but in terms of the groups the members have spoken on, to go back to the second reading debate and look at the remarks of the Chair of Management Board, who very fully talked about the process that was involved in terms of going through to get this agreement and how not only were there government actuaries, not only were there OPSEU actuaries, there were other independent actuaries who were brought in etc. I just want people to remember that when they're discussing this with whomever, they keep those comments in mind and realize that those actuarial statements are available. I thank the members for that and I will leave my remarks at that.

The Acting Speaker: Thank you. In the absence of Mr Laughren, Mr Sutherland, the member for Oxford, has moved third reading of Bill 160. Is it the pleasure of the House that third reading of Bill 160 proceed?

Call in the members. It will be a five-minute bell.

The division bells rang from 1906 to 1911.

The Acting Speaker: In the absence of Mr Laughren, Mr Sutherland has moved third reading of Bill 160. All those members in favour of the motion will please rise one by one.

Ayes

Abel, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Christopherson, Churley, Cooke, Cooper, Coppen, Dadamo, Duignan, Ferguson, Fletcher, Frankford, Gigantes, Grier, Haec, Hampton, Hansen, Harrington, Haslam, Hayes, Hope, Huget, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Lankin,

Lessard, MacKinnon, Mammoliti, Marchese, Martel, Martin, Mathysen, Morrow, Murdock (Sudbury), O'Connor, Owens, Peruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rizzo, Silipo, Sutherland, Swarbrick, Ward, Wark-Martyn, Waters, Wessinger, White, Wildman, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wiseman, Wood, Ziemia.

The Acting Speaker: All those opposed to the vote will please rise.

Nays

Arnott, Beer, Caplan, Carr, Cleary, Curling, Eddy, Elston, Eves, Henderson, Johnson (Don Mills), Jordan, McGuinty, Murdoch (Grey-Owen Sound), O'Neil (Quinte), Poole, Runciman, Ruprecht, Sterling, Stockwell, Tilson, Turnbull, Villeneuve, Wilson (Simcoe West), Witmer.

The Acting Speaker: The ayes are 63, the nays 25. I declare the vote carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Hon Mr Charlton: Just before we move to the next order, the next order will be Bill 159, and I think we have an agreement to deem a division on this bill and to have a five-minute bell.

The Acting Speaker: Is there agreement? Agreed.

ONTARIO LOAN ACT, 1994

LOI DE 1994 SUR LES EMPRUNTS DE L'ONTARIO

Mr Sutherland, on behalf of Mr Laughren, moved third reading of the following bill:

Bill 159, An Act to authorize borrowing on the credit of the Consolidated Revenue Fund / Projet de loi 159, Loi autorisant des emprunts garantis par le Trésor.

The Acting Speaker (Mrs Margaret Marland): Is there any debate? Is it agreed that we take the same vote? Agreed.

I declare the motion carried.

Resolved that the bill do now pass and be entitled as in the motion.

Mr Norman W. Sterling (Carleton): On a point of order, Madam Speaker: This morning, following private members' hour, the member for Ottawa South, who introduced Bill 170 and which received second reading, asked for unanimous consent from this Legislature to have it passed for third reading through committee stage. At that time, we had not had an opportunity to consult with our caucus vis-à-vis that bill. We have now had the opportunity to consult with our caucus, and we would give unanimous consent to passing that bill on third reading today and waiving whatever notices are necessary in order to do that.

The Acting Speaker: Is there now unanimous consent? Agreed.

Hon Brian A. Charlton (Government House Leader): For the purpose of getting this correctly on the record: By unanimous consent, it is agreed that the order for the standing committee on social development on Bill 170, An Act respecting the Donation of Food, be discharged and that the bill be ordered for third reading.

The Acting Speaker: Agreed? Agreed.

REVENUE AND LIQUOR LICENCE
STATUTE LAW AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT DIVERSES LOIS FISCALES
ET LA LOI SUR LES PERMIS D'ALCOOL

Mr Sutherland, on behalf of Mr Laughren, moved third reading of the following bill:

Bill 161, An Act to amend various Taxation Statutes administered by the Minister of Finance and to amend the Liquor Licence Act / Projet de loi 161, Loi modifiant diverses lois fiscales appliquées par le ministre des Finances et modifiant la Loi sur les permis d'alcool.

The Acting Speaker (Mrs Margaret Marland): Any debate? Shall the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Resolved that the bill do now pass and be entitled as in the motion.

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ENVIRONMENTAL PROTECTION AMENDMENT ACT
(NIAGARA ESCARPMENT), 1994

LOI DE 1994 MODIFIANT LA LOI
SUR LA PROTECTION DE L'ENVIRONNEMENT
(ESCARPEMENT DU NIAGARA)

Mr Duignan moved third reading of the following bill:

Bill 62, An Act to amend the Environmental Protection Act in respect of the Niagara Escarpment / Projet de loi 62, Loi modifiant la Loi sur la protection de l'environnement à l'égard de l'escarpement du Niagara.

The Acting Speaker (Mrs Margaret Marland): Any debate? The member for Etobicoke-West.

Mr Chris Stockwell (Etobicoke West): Thank you, Madam Speaker. I'm glad we broke that accommodating string we had going.

Interjections.

The Acting Speaker (Mr Noble Villeneuve): Could we have order, please. We'll ask the member for Etobicoke West to wait a minute or two until we have a little more decorum in the chamber.

Mr Stockwell: Can I get a point of clarification, Mr Speaker: Did the member for Halton North speak?

The Acting Speaker: He has moved third reading.

Mr Stockwell: He had no opening comments?

The Acting Speaker: The floor is yours, sir.

Mr Stockwell: Thank you, Mr Speaker. Although it's a private member's bill, it's a very important precedent we're setting with this legislation. It's all well and good, on the final day of the Legislature, to try to reach compromises and acceptable agreements between all parties so we can stick to the legislative calendar. But I've chosen to speak to this piece of legislation, not so much because I disagree with the piece of legislation—I do—but because of the actual terms and conditions and clauses within this piece of legislation.

This piece of legislation, begun by the member for Halton North, is designed for one purpose, and I think

even the member himself would agree that the purpose of this legislation was to stop a landfill site being located in his riding. I understand the processes he wanted to use to stop this landfill site from being sited in his riding; it's an acceptable approach to take, as a private member, to try to do things your constituents want you to do.

As a representative of this Legislature, I have some real concerns on two fronts with this legislation. First, I lived through a period of time in this House when Bill 143 was being debated. The prime focus and thrust of Bill 143, brought forward by this government, was an act to legislate fairness and equity within the siting of landfills in the province of Ontario, "landfills" being garbage dumps.

There was a prolonged period of debate, the IWA was struck, and \$60 million or \$70 million was spent by the government to have a fair and open process where all sites would be put on the table in order to site a garbage dump.

This government, led by a number of members, insisted that this be an equitable and fair program. They had 30 or 40 sites on the original table and whittled it down to some three sites, and expanded dump sites that were presently in place to take more garbage in the interim. All sites were made available and put on the table.

What we have here flies in the face of that particular legislation. What this legislation does is take away the fairness and equity in any siting of landfill sites. What this legislation does is that it says everybody should have their riding, their community, their location, on the table and eligible for a landfill site—except Halton North.

The guise that was used was the NEC. I understand and appreciate the Niagara Escarpment Commission, but I believe fundamentally this was done simply to stop this landfill site. But let me say to you categorically, and I want to say this to the government itself: If you vote in favour of this piece of legislation, you should expect the member for Simcoe West, the member for Wellington, the member from Oakville, the member for Grey-Owen Sound, myself and all the members in this Legislature to come forward next session and say, "Because I represent a community that either has farm land distinctiveness or historical sites, we also should be exempted and not have a landfill site." That is equitable and that is fair according to the new provisions set down by the member for Halton North. I look directly to the Minister of Environment and Energy and say, Mr Minister, these are your new terms and conditions for siting landfill sites in Ontario.

When the members of the Liberal caucus stand up when someone starts talking about a landfill site, they'll bring in a piece of legislation that says, "Not in my riding, because there's historical or farm land" etc. This is crazy planning. This is crazy environmental planning. This would never have been accepted by this party in opposition. The Minister of Environment, who's in charge of this program, sits in his place today, and I don't know how he can vote in favour of this legislation from the member for Halton North exempting that whole area from a landfill site, yet tell people in jurisdictions close by, with the best farm land in this province, with historical sites nearby, with all those things they use in their com-

munity that they may say makes them distinctive and important, that they have to be on the table and must go through an environmental assessment for a landfill site in those areas.

Hon Bud Wildman (Minister of Environment and Energy): They haven't been internationally recognized by the UN.

Mr Stockwell: What we have is the minister saying if it's nationally recognized by the UN. Apparently this is the new criterion for whether you get a dump or don't get a dump. But that wasn't the case all the time, in my opinion. That's why this government member could never come forward and say, "The Ministry of Environment and the minister support this piece of legislation," because it absolutely defies logic that this government could pass Bill 143 and then, not two years later, turn around and pass an exemption like this, which is nothing more than crass politics instituted, as I understand, by the local member.

Now we see the inequity in the system. Let's delve further into this. We know the member introduced this bill to stop a specific site, a quarry, a quarry that was scarred landscape no doubt, but a quarry, where previously an allowable process to recondition that site would have been a landfill, under the old terms and conditions. You could have made a landfill out of this site without any further approval, just recondition this quarry. Now we have this member bringing this legislation forward.

Let me tell you about this landfill site. The people who are developing this landfill site have spent some seven or eight years going through processes established by Liberal and NDP governments to open allowable, legal, acceptable dumps. They've lived within every law and every rule this government has set down. At the 11th hour, before going to a joint board, they've decided to abandon that fairness and they've decided not to allow this to continue.

I say to the Minister of Environment directly, Mr Minister, not only did you not allow this to continue, you've also told these people who have spent \$7 million or \$8 million living within the laws that this minister set down: "Even though we have treated you unfairly, even though we are changing the laws, even though we are moving the goalposts, you have no right under this legislation to seek compensation, not for the lost opportunity, not for the money you could have made. You have no right to seek compensation for the money you invested, making your way through our laws, under our environmental assessment process and under our rules and terms of condition. You may have spent \$7 million or \$8 million and we may have changed the rules, but you have no right to seek any kind of redress to get your money back."

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Mr Jim Wilson (Simcoe West): On a point of order, Mr Speaker: This is an extremely important piece of legislation and indeed a precedent is being set and yet I do not believe we have a quorum in this House.

The Acting Speaker: Could the clerk check to see if indeed we have a quorum present.

Acting Clerk Assistant (Ms Lisa Freedman): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Acting Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: The member for Etobicoke West may resume his participation in the debate.

Mr Stockwell: Let me just read this clause. I want the members opposite who maybe haven't formed a complete opinion on this or haven't heard the other side of the story to at least listen to this clause that has been inputted, jettisoned during the end of the committee process, into this piece of legislation, this amendment. Just listen to this, and you tell me if you think it's fair.

Subsection 1(4): "No proceeding directly or indirectly based upon the prohibition in subsection (2)"—which means it can't have a landfill site—"may be brought against the crown in right of Ontario, the government of Ontario, any member of the executive council or any employee of the crown or government."

Mr Gilles Bisson (Cochrane South): Sounds good to me.

Mr Stockwell: I don't know if it does sound good to you, if you understand the interpretation. I understand that you have the right to say to these people, "You can't have a dump there." I understand that right. I understand that you can change the rules; I understand that too. I understand that you can change the rules in your benefit or in the benefit of the community. I understand that you don't like the way this is going because you have a sitting member there who wants to hold his riding; I understand that too.

But what I cannot understand, what I cannot believe or buy into, is that a company in the province of Ontario, with shareholders and people who invested \$8 million, potentially could go personally and businesswise bankrupt because you decided that you're going to change the rules and then not allow them to sue for compensation. That's what I don't understand.

Mr David Turnbull (York Mills): Are they not confident enough of their own legislation?

Mr Stockwell: Of course they're not confident. You know you're not confident that they couldn't sue and win. It's just so plain. It's an act of fairness. You know they'd win this.

Mr Jim Wilson: On a point of order, Mr Speaker: Once again, the Minister of Environment and Energy has left, even though this is a bill dealing with the environment, and the government doesn't think that this is important enough to hold a quorum, so I ask if there is a quorum in this House.

The Acting Speaker: Is a quorum present?

Acting Clerk Assistant: A quorum is present, Speaker.

The Acting Speaker: The member for Etobicoke West.

Mr Stockwell: I thank Mr Wiseman for getting in there and making quorum.

Mr Jim Wiseman (Durham West): It's not because

I wanted to hear you, though.

Mr Stockwell: I don't think this is a terribly partisan issue; I honestly don't. I don't think this is divided along political lines, and I'm appealing to your sense of fair play. I don't think this is an issue that divides party from party and philosophy from philosophy. What I think this is, is fairness to a person, to a business; it's fairness to some business that's trying to make a living in this province. It's fairness and equity to a business and community that want to see action take place on their landfill site.

The Niagara Escarpment: They have a very good argument. I don't debate their argument that there shouldn't be a landfill site there. I don't fundamentally agree with the kind of planning that excludes it, but I understand why the community came forward and said, "We don't want this." I understand that. I understand why the member for Simcoe West's community, where there are nine sites, is going to come along and say, "We don't want those sites either." I understand that and I understand they're going to pressure the local member to bring in a bill like this. I understand that too.

I understand that your government has maybe decided, because it's the Niagara Escarpment, that you're going to agree with the private member, and I buy that. You're the government for heaven's sake. I know it. But what I can't understand is how you're going to let an individual who spent \$7 million or \$8 million, living within the law that you set down, lose all that money because you've decided to change the rules. What's the fairness? I look to the member from Chatham. What's fair about that? What's equitable? What are we doing here if we're not here to protect citizens and not here to protect businesses and not here to protect people from governments so you don't force them into bankruptcy? If we're not here to protect people against that, then what are we here to protect?

Mr Wiseman: The environment.

Mr Stockwell: We're here to protect the environment, the member said, and I say if you believe that, then vote in favour of the bill. I don't particularly agree with you, but I understand that you should vote that way. But explain to me this subsection (4). It says that this company lived within the rules, the laws that you laid out, and it's going to get pilfered for \$8 million. Please stand up when I sit down, Mr Minister, and explain the fairness and equity in that.

Mr Wiseman: It was turned down three times.

Mr Stockwell: There are arguments that are going to come across to this side that say they've been turned down three times and they've been turned down this many times. Fine. If that's what you believe, then vote for the bill.

Mr Wiseman: I will.

Mr Stockwell: Then do it, but amend it so that you don't take money that was properly spent and invested under the terms and conditions of your laws away from people who just lived within the letter of the law.

Interjection.

Mr Stockwell: He says no. I don't understand that.

Mr Wiseman: It's been turned down three times.

How many times does a community have to fight the battle?

Mr Stockwell: This site, as I understand it, has never been through an environmental assessment, this particular site, never been through an environmental assessment.

Interjection.

Mr Stockwell: No, this site has never been through an environmental assessment joint board hearing.

The member says it's been turned down three times. I know the member for Durham West sometimes gets under my skin, but he's done it again. He's just said they've been turned down three times. Once again, he's proven categorically beyond a shadow of a doubt that he hasn't got any idea what he's talking about. They haven't been turned down three times. But I know that you're going to say that, because that adds fuel to your argument, false as it may be, but it may add fuel to his argument. But still there's no debate or discussion on subsection (4).

Mr Wiseman: How many times does a council have to tell them to get lost?

Mr Stockwell: How many times do you have to tell them to get lost? I suppose when you go through an environmental assessment hearing and the environmental assessment hearing says—you know what, the member for Durham West? How many times did people in York have to tell them to get lost and not expand Keele? How many times did the people in Peel have to say, "Get lost, don't expand the dump site in Peel"? You know what? They had to say "Get lost" a number of times until you voted in favour of expanding it, so don't tell me about telling politicians to get lost.

You've got a convenient memory, selective amnesia. You choose to remember what you want to remember about the environment and what you don't want to remember you pretend never happened. I don't need a lecture from this guy on landfill sites and where he stood before elections and where he stood after elections.

Clearly, you're not going to convince the members opposite and it's a shame, it's just an absolute shame, because the only thing that's going to happen because we pass this piece of legislation is that a business will go out of business. I will say it to you right now: A business will go out of business. People will lose their jobs, people will lose their livelihoods, people will lose \$8 million that they invested in this, living under the letter of your law, agreeing to terms and conditions that you set down. Because you decided to change the rules and move the goal posts, they will lose whatever opportunity they had to go through environmental assessment and all the money they invested to get this far.

If you can say in your own mind that that's fair, then vote for this, because this is the furthest thing from fair, this is the furthest thing from democratic, and this used to be the furthest thing from socialists.

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The Acting Speaker: Questions or comments?

Mr David Tilson (Dufferin-Peel): I understand the member's concern with this issue. I will say that I am going to be supporting the bill completely. I understand

his frustration on the comments of the contradiction of this government with respect to trying to protect farm lands on neighbouring areas, and yet they're placing dumps on those farm lands, because this bill does contradict other pieces of legislation that the government has put forward.

The main gist of my friend's comments with respect to this bill seems to be with respect to the outstanding amendment. That is assuming that the individual is going to be successful in that application. That corporation may not be successful on an environmental assessment and that is one of the risks of proceeding on an environmental assessment. You may lose and you may spend millions of dollars on such an application.

Mr Jim Wilson: Shouldn't have to take that risk.

Mr Tilson: I'm sorry, but that's exactly what happens in this world. You spend big bucks trying to form big dumps, and you may win, you may lose. I can tell you that the laws do change and those people making those applications have to stand on those specific risks.

As much as I do respect my friend from Etobicoke West, I don't agree with him on his concerns with respect to his objections to the bill, nor do I agree with him with respect to his objections to the amendment. I encourage all members of this House to support this bill. We should fight with all our might to protect the Niagara Escarpment. We should continue to do that and this bill does just that.

Mr Bisson: I just want to comment quickly, because I was listening with some intent to the member from Etobicoke. He makes make a point I think needs to be responded to.

What we need to keep in mind are a couple of points with regard to what is being proposed in this bill. First of all, we have to recognize that anywhere in Ontario you fall under the Planning Act of Ontario, and the Niagara Escarpment, as you would know, is governed by its own planning act. So there isn't a contradiction. It's not as if we're doing things entirely differently than what would happen, because there are set differences when it comes to the rules on how they're applied in the escarpment from how they're applied in other places, by virtue of the Niagara Escarpment planning act.

The other thing I think I want to touch on—it's a bit of an issue that comes back to the whole issue around Kirkland Lake—is that we know those particular quarries are situated in lime. The geology there is lime, and one of the worst types of rocks as far as being porous and being able to carry water a great distance should there be seepage from the garbage is concerned is exactly that kind of rock. I don't think we want to be in a position of encouraging people to be able to go there.

The other thing is that it's against the stated policy of what we set out to do under Bill 143. Under Bill 143, we made a decision in this Legislature. The government, this New Democratic government, said, "We're against the idea of transporting garbage from one municipality to the other." Grant you, with this bill, what would happen under the proposals that are happening now, the one that you talk about with regard to the quarry you're talking

about, is that garbage would be coming in from the States. Just on that principle, I don't think we should be getting into the business in this province of dealing with trying to get rid of the waste problem in the United States and dumping it into landfill sites here in Ontario. I think it's totally ludicrous.

Yes, I understand the member's argument and I wouldn't want to see this kind of legislation all over. But by virtue of the Niagara Escarpment planning act setting out already that the Niagara Escarpment is treated differently, I think this is very much in keeping.

Mr Gary Carr (Oakville South): I'm pleased to enter the debate very quickly. I agree with a lot of what the member for Etobicoke West has said, as well as the member for Grey-Owen Sound.

This is one of these difficult issues, when I come from a region where my town and my region have voted to support this bill. I spoke with the mayor going way back, I guess, in the town of Oakville when they voted on this, and quite frankly, I didn't think this bill was going to come forward. It came forward to keep quiet a special-interest group that was hounding the Premier of this province. That's why this bill came forward, and over the next little while we will probably see about 130 members come in and exempt their areas.

But I'll be voting for this because of the people of my region. The mayor has been very vocal in supporting this, as well as the Halton region unanimously, and I've spoken with the chairman.

I appreciate the points that were made by the member for Etobicoke West. They were very valid points. This makes it a very difficult situation, because what happens is that I come from a region that is going to exempt a particular property. I think the concerns he put forward were very correct, and some of the amendments that were put forward by our caucus I think were very helpful during the debates that went on.

This is one of these issues where the people of my region and my riding in Oakville are supportive of this bill, but I want to tell you that I have some very serious concerns about supporting this bill. I will be voting for it, but I think the members opposite, and particularly the Minister of Environment and the member who moved this, should think very carefully about what the member for Etobicoke West said, because he was true in exactly what he said in a lot of respects.

This is going to set a very dangerous precedent for the province of Ontario. I understand why the member for Halton North has introduced it, but I want to tell you, there are some very serious concerns among all members in this House on this particular piece of legislation.

I will be supporting this piece of legislation, but I hope the government of the day will listen to some of the comments that were made by some of the members on this side.

Mr Turnbull: I'm very troubled by this bill, because I believe it is important that we protect the Niagara Escarpment, but I have to say that since I've been in this House, I've learned a lot of things about the Niagara Escarpment from my colleague the member for Grey-

Owen Sound, who's cast a new light on some of the activities of the commission.

The protection of the environment is important, but the troublesome thing about this bill is that the government is exempting itself from being sued in this bill, which seems unreasonable. If the government feels, in its wisdom, that it is confident this legislation that is being put forward by a private member is such that it can stand on its own two feet, then fine, pass the bill. But don't put in a clause which exempts the government, because basically you're undermining the whole process that we have, that businesses take normal commercial risks and understand that yes, they can lose their money, but at least let them lose it on their own terms. Don't have governments coming in after the fact and saying, "Notwithstanding the fact that you've complied with the letter of the law all the way along, you are now going to lose the ability to finally go back to the courts to arbitrate this." That seems highly unfair and that's a troublesome thing.

While I am very supportive of protecting the Niagara Escarpment, this bill does not meet the acid test of fairness, because businesses will be scared from investing in this province by this kind of bill. It sends out a very strong message as to what this government is prepared to do.

The Acting Speaker: This completes questions or comments. The member for Etobicoke West has two minutes to sum up.

Mr Stockwell: I'd like to thank all those members who took part in the debate. I understand why they are taking the positions they're taking and I understand specifically that if you're in this particular region, you're probably more pressured to take a position to support the bill than those who are not necessarily in the region. I understand that. I understand the politics of this issue.

I suppose the important thing, and it's incumbent on those of us who maybe aren't abutting this region or as close in proximity, is to ensure that an equitable and fair hearing take place. The problem with using the word "equity" when you're dealing with this government is that equity of course means equal and equal means equal to everybody. Whether they happen to share your political philosophy, your environmental philosophy, or any of the philosophies a government has, equity means you treat everybody fairly. This bill does not treat a business in this province fairly.

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If you truly suggest that you are an equitable and fair government, then you must stand and respond to this subsection (4), and you must admit in your own mind, as the equitable people you claim to be, that it's not fair. It's going to cost people money, maybe their livelihood, maybe their homes, but it's going to cost them. The equitable socialist government that you claim to be on all these fronts, if you're truly supposed to be fair representing the community, representing the member and representing those people who do business in this province, this bill would not exist in its present form. I think it's dangerous, it's precedent-setting and it sends the wrong message to a business community that is in as fragile a state as it is.

I'm going to vote against it, and I think if you thought about it you'd vote against it too.

Mrs Margaret Marland (Mississauga South): I did have an opportunity to be taking part in the debate two nights ago on this Bill 62, and at that time I did ask some questions of the proponent of the bill, the member for Halton North. The questions that I asked him were focusing on the amended bill in subsection 1(4), which was an amendment that was made as part of the bill during the committee process.

That subsection 1(4) of the bill is the one that reads, "No proceeding directly or indirectly based upon the prohibition in subsection (2) may be brought against the crown in right of Ontario, the government of Ontario, any member of the executive council or any employee of the crown or government."

When I asked that question the other evening, what I was asking was whether that would also protect the members of the Niagara Escarpment Commission. When I asked the member for Halton North the question I said, and I'm reading from Hansard: "Could you explain why you didn't include members of the Niagara Escarpment Commission? They are going to be very vulnerable in the execution of this bill, and I'd like to know why you're not protecting them."

Mr Duignan's answer: "I want to point that the Niagara Escarpment Commission is an agency of the crown."

My comment went on: "We're in committee of the whole House. If you wish to give those board members the protection that you want to give your own staff and your own executive council—namely, cabinet—then I ask you why you won't amend this and add the Niagara Escarpment Commission, because they are the people who are going to be responsible for the application of this bill."

Mr Duignan's, second answer was: "Again, obviously we have an area of disagreement: I believe that in fact they are covered; the honourable member for Mississauga South believes they're not."

The reason I raised that question was because it is a very serious matter. Although this is "only" a private member's bill, once it is proclaimed into law in this province it becomes as powerful as any other statute that exists today. Every word in this bill has to be perfect, defensible and have only one meaning and only one interpretation.

In the case of this section, it is a section that is prohibiting any referral to the courts. So it's even more imperative that everybody who's party to this bill is protected in the bill, because it says there will be no proceedings against certain parties.

My concern is that since I have spoken to a number of people and I have received a number of phone calls since I raised this question the other night, I've received a number of phone calls from lawyers who, to be honest, were impressed with the fact that I was able to focus in on this particular concern. I guess part of the problem is that when private members' bills are drafted, they don't receive the full circulation that government bills do. They

do not receive the full inspection that government bills do. Even though they go to committee, these bills are treated differently than government bills.

The advice that I have had, including from our own legislative counsel, is that in fact this section of the bill does not provide any protection for the members of the Niagara Escarpment Commission. This provision does not protect them from liability. None of the categories that are in subsection 1(4)—namely, the government of Ontario, the executive council, the employees of the crown or government—are categories under which the officers of the commission fall. So I think it's very important that everybody understands that.

I am in favour of this bill. I will be standing in my place tonight to vote in favour of this bill. There has never been any question about my support for the intent of this bill. I am just concerned about the precedent that is being set by the fact that everybody who's going to have to work with this bill is protected except the executors of the action of the bill; namely, the members of the Niagara Escarpment Commission.

It may be that the Niagara Escarpment Commission carries its own insurance against actions against them, as board or as commission members. But the point is that if this member has gone to this much trouble to protect government employees, members of cabinet etc, I simply have to ask him if he would be willing, through unanimous consent tonight, to agree to add the members of the Niagara Escarpment Commission to this subsection 1(4). My concern is that if they are not protected when this section goes to so much trouble to protect everybody else, we are not going to find people who are willing to serve, because, frankly, who would want to serve on a government agency, board or commission if they are not protected?

In this case, the work of the Niagara Escarpment Commission is terribly important work. It's a very large responsibility that they have. We have an area with international recognition by the United Nations. The majority of us share the continued protection that was started when the Niagara Escarpment Commission was originally founded.

I ask Mr Duignan, the member for Halton North, if he will consider adding to subsection 1(4), by unanimous consent, the members of the Niagara Escarpment Commission for their own protection in their service on that commission.

Mr Murray J. Elston (Bruce): On a point of order, Mr Speaker: When this debate around third reading is over, I think we have an agreement that the bell will be a five-minute bell instead of 30 minutes and that the division will be deemed to have been recognized.

The Acting Speaker: Is that unanimously agreed to? Agreed. Mr Duignan, in summation.

Mr Noel Duignan (Halton North): First of all, I'd like to take the opportunity to say thank you to all those people who have participated in the debate, even the member for Etobicoke West, and I appreciate his comments.

I would like to first of all address the member for

Mississauga South. Yes, the Niagara Escarpment Commission is included in "crown in right of Ontario" under subsection 1(4) of the bill, so the Niagara Escarpment Commission members are indeed covered.

I'd also like to take this opportunity to thank a number of people for all their hard work and effort which have gone into supporting Bill 62, too many to mention here tonight, but in particular I would also like to thank my staff, Norma Peterson and Kathy Taylor. They were the driving force, they were the people who did all the hard work in organizing, and again, I'm very grateful for that.

Bill 62 amends the Environmental Protection Act to prohibit landfill sites in the Niagara Escarpment area. I firmly believe that landfill operations are inconsistent with the purpose of the Niagara Escarpment Planning and Development Act and they do not fit with the notion of appropriate development in an internationally recognized World Biosphere Reserve.

Over the years, the Niagara Escarpment has enriched and nourished not just the people of Ontario, but people from right around the world. We cannot and must not compromise one of the most significant, important natural assets of this province. Today I stand here and urge all my honourable colleagues to take that little step further to protect our environment and the Niagara Escarpment by supporting Bill 62.

The Acting Speaker: Mr Duignan has moved third reading of Bill 62, and by previous arrangement it will be a five-minute bell. Call in the members.

The division bells rang from 2002 to 2007.

The Acting Speaker: Order, please. Mr Duignan has moved third reading of Bill 62, An Act to amend the Environmental Protection Act with respect to the Niagara Escarpment.

All those in favour of Mr Duignan's bill will rise one at a time and be recognized by the clerk.

Ayes

Abel, Allen, Beer, Bisson, Boyd, Buchanan, Caplan, Carr, Charlton, Christopherson, Churley, Cooke, Cooper, Coppen, Dadamo, Duignan, Elston, Farnan, Fletcher, Frankford, Gigantes, Haack, Harrington, Haslam, Hope, Huget, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Lankin, MacKinnon, Mammoliti, Marchese, Marland, Martel, Martin, Mathysen, McGuinty, Morrow, Murdock (Sudbury), O'Connor, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rizzo, Ruprecht, Silipo, Sterling, Sutherland, Swarbrick, Tilson, Ward, Wark-Martyn, Waters, Wessinger, White, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wiseman, Wood, Ziembra.

The Acting Speaker: All those opposed to Mr Duignan's motion, please rise and be recognized.

Nays

Arnott, Murdoch (Grey-Owen Sound), Runciman, Stockwell, Turnbull, Wilson (Simcoe West).

The Acting Speaker: The ayes are 63; the nays are 6. I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

MUNICIPAL AMENDMENT ACT
(VITAL SERVICES), 1993

LOI DE 1993 MODIFIANT LA LOI
SUR LES MUNICIPALITÉS
(SERVICES ESSENTIELS)

Mr Turnbull moved third reading of the following bill:

Bill 104, An Act to amend the Municipal Act in respect of vital services by-laws / Projet de loi 104, Loi modifiant la Loi sur les municipalités en ce qui concerne les règlements municipaux relatifs aux services essentiels.

The Acting Speaker (Mr Noble Villeneuve): Will the honourable member please initiate debate.

Mr David Turnbull (York Mills): Yes, Mr Speaker. My private member's bill, Bill 104, is permissive legislation which enables any local municipality to pass vital services bylaws if they so decide. The vital services that can be provided in this way are such as electricity, gas and hot water and can be provided to occupants of rented premises when the landlord fails to meet an obligation to provide them.

Bill 104 was introduced in response to an untenable situation for tenants in my riding at 1002 Lawrence Avenue East. All tenants throughout the province should have the kind of protection which has already been extended under special legislation covering Ottawa, London and the city of Toronto. I'm delighted that the government has seen fit, after a lot of prodding from me, to move forward with my bill.

I would like to particularly recognize and thank the help of Glenn and Kathy Stephenson of the tenants' association at 1002 Lawrence Avenue East for their support of this bill. As well, I would like to thank Bob Gosschalk, the president of the North York Tenants' Association, and Mary Jo Donovan, president of the East York Tenants' Association, for their support and efforts on this issue.

I'd also like to thank TAPSO, the Toronto Area Property Standards Officers, their provincial counterpart, the Ontario Association of Property Standards Officers, OAPSO, and the Association of Municipalities of Ontario for giving support for this legislation.

The Acting Speaker (Ms Margaret H. Harrington): Questions or comments? Any further debate?

Mr George Mammoliti (Yorkview): I stand today in support of Bill 104, and I would like to put some comments on the record, if the Speaker doesn't mind.

I want to commend the member for York Mills for coming out with 104, the vital services act. Many in the Legislature will know I had a very similar piece of legislation. In fact, it was almost exactly the same as 104, identical in most parts. I think the only difference is that mine related to giving the city of North York the right to pass vital services bylaws, and of course the member for York Mills's piece of legislation covers the rest of the province, including North York. There are some differences, however, and I'll get to them in just a second.

Before I do that, I want to take the opportunity to wish Adrian Silipo, who's here visiting today, a happy sixth birthday. The Minister of Comsoc's child is here, and I just want to wish him a happy sixth birthday today.

In North York, in terms of some history, tenants have had a problem, as the author of the bill knows. Tenants have had a problem for quite some time now. In North York we have experienced very difficult times over the last few years in terms of what I call slum landlords who might neglect their buildings and tenants who, for one reason or another, take occupancy in a building and then find that their landlord, for whatever reason, decides to turn off hot water, cold water, or in the winter, if an elevator isn't working or if the heat isn't working, some landlords do take their time and of course the tenants do suffer. In North York, as I said, this has certainly been a problem for quite some time.

That's why on October 12, 1993, when the Minister of Municipal Affairs asked me to introduce a piece of legislation that would try and rectify the problem in North York, I was happy to do so. As a matter of fact, I had let go a resolution that I felt strongly about to do just that and I introduced a piece of legislation, Bill 95. Bill 95, as I said earlier, is almost identical to Bill 104, the one we're debating today and the one that we're going to pass today, with just a few differences.

As I said earlier, on October 12 I did introduce Bill 95. It then went to committee, and that committee was the standing committee on general government. During the debate in committee and the hearings, we as a committee had a number of individuals, both from my riding and of course the riding of York Mills, come to us and talk to us about what they believed was essential in the vital services act, Bill 95.

They certainly made it clear that they wanted a lot more included in vital services. Let me just explain for one second to the House what "vital services" means in the definition. "'Vital service' means fuel, electricity, gas, hot water, water and steam; ('service essentiel')."

Now, some might not know the ramifications if these essential services, vital services were to be turned off or neglected. Only tenants who experience this problem can tell you the ramifications of that.

They wanted some amendments as well. In committee we heard it elaborated that they wanted elevators included in that, and in the hearings for Bill 95 we managed to get the amendment that would include elevators. Bill 104, the bill we're debating tonight, unfortunately doesn't have elevators included in vital services, and I think that's a shame. I would ask the author of the bill to pay particular attention to that, and perhaps he can find some time to ask the House for unanimous consent to include elevators as a vital service for tenants in buildings.

I didn't get my way in committee. In committee, I was pushing for security to be a part of vital services. In North York there are many buildings that lack security, whether that's locks, whether that's fire protection, or that could even be an armed guard or a guard at the doorway.

I was pushing for it because many of my tenants in Yorkview believed very sincerely that because there is a problem with security and because they don't feel safe in their buildings, this should be a part of vital services. I certainly would ask again the author of Bill 104 to consider asking the House today before it passes for unanimous consent to include security as a part of this bill.

I must state again for the record that in committee many MPPs didn't believe that security should have been added to this. I still believe that security should be a vital service and I would continue advocating for that.

Of course, garbage in some of our high-rise buildings in North York has always been a problem, and many believe that is a vital service and should be included. When we talk about garbage, we talk about all of the problems associated with garbage and what that means to tenants, and of course the building, the hallways and the playground and the contracts that are given out to collect the garbage. That's certainly another area that we talked about in committee and another area that many MPPs in committee didn't feel was necessary to add.

I again would advocate that this, for me, is very important and I would ask the author to consider asking the House for unanimous consent to deal with this issue.
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During the debate on Bill 95, what some people call the slum landlord bill—that was again my bill that I introduced—I got much support for the bill pretty much all over the province. I got calls from different municipalities and they quite frankly asked why it didn't extend to the rest of the province. Of course, I had to tell them that the ministry wasn't prepared for it and the minister wasn't prepared for it and for that reason we had to settle with North York for now and perhaps we could include or make an amendment at some point that it would include the province.

When the debate had taken place, the discussion between myself and the minister took place and the minister at that point said, "No, we are just not ready for it as a ministry and we need some more time." So we went with Bill 95 based on that.

The amount of support, as I said earlier, was pretty much unanimous around this issue, even from landlords, even from property managers. They wanted to see the bill passed. I've got a number of newspaper clippings and editorials, for instance, within the community, within Yorkview, that clearly state that the community, the papers, the landlords, the tenants want Bill 95 to pass because they want to be a little more comfortable in their units. Even the Toronto Sun had done a wonderful article on slum landlords and how a bill like this could in essence save some of the tenants from heartache.

The support was there from pretty much everybody. I even got a letter from the minister himself, Ed Philip, who said very clearly that he supported Bill 95 and that he would try and expedite the passage of Bill 95. In discussion with the deputy House leader, for instance, it was pretty much given that Bill 95 would pass.

Seeing Bill 104 in Orders and Notices this week and today, I'm glad that while my Bill 95 hasn't passed, at least the tenants will get something out of the deal and they won't have to worry about a slum landlord, a landlord who doesn't care and will do anything to make life miserable for them, and that would include leaving the water off for a weekend or even a week.

Interjections.

Mr Mammoliti: I see many from all sides of the

House asking me to cut debate. I understand that. But all of you need to understand, and understand very clearly, that while we have debated I've sat here listening to many bills that would mean a lot to those up north; the farming bill, for instance. I sat and I listened very patiently to some of those arguments and how that bill means a lot to a lot of people in the province.

Let me tell you very directly that this bill here means a lot to tenants. It means a lot to individuals in the city, for instance. If you can recall, last winter, 1993-94, many apartment buildings in Toronto suffered from landlords who didn't even live in the province. The water got cut off in Toronto, the heat got cut off in one of the buildings in downtown Toronto and the landlord was nowhere to be found. What options did anybody have?

Again I would say very, very clearly that if this bill had been introduced perhaps a year ago and was law in our books at this particular time, that wouldn't have happened. The suffering that those tenants had endured over the last winter would not have happened.

I think I'm satisfied in that after Bill 104 passes, not Bill 95 but Bill 104—

Interjection.

Mr Mammoliti: I note that the member who just passed his private member's bill is encouraging me to continue. I would ask him to be as patient as I was for his bill. This bill is very important to some landlords and some tenants in my riding and I would ask that you allow me to certainly put some words on record and some statements on record.

Without taking up any more time, I would only say to the member, the author of the bill, that I want to thank him. I have to apologize to him, because I had made some comments to him when he first introduced the bill. I couldn't understand or believe for that matter that a Conservative really cared about tenants and wanted to pass something in the House to benefit tenants, but after working with him and after talking with him in committee, I am convinced that this individual clearly cares about this particular bill and wants to protect the tenants from some of those slum landlords.

I want to thank the author for the bill and I'll conclude my remarks with that.

The Speaker (Hon David Warner): I thank the honourable member for Yorkview for his contribution to the debate and invite any questions and/or comments.

Mr Turnbull: I will just comment that I thank him for his kind words. I would suggest that as far as elevators are concerned, that can be covered within bylaws as they're passed by municipalities. As I said, this is permissive legislation which allows municipalities to be able to draft a vital services bylaw. I believe they'll be able to handle the question of the elevators and garbage without any problem.

The question of security guards is a different matter. I believe that unless the Ministry of Housing were to change its policy on rent controls, it wouldn't be realistic to ask landlords to take on new responsibilities that they're not reimbursed for. The fact is that the tenants are reimbursing landlords for heat, light, water, maintaining

the building in a clean state and maintenance of elevators, but to add further services would require that the ministry would have to find some funding mechanism so that those could be added. That might be a debate you might want to undertake with the Minister of Housing.

The Speaker: Further questions and/or comments? Seeing none, the honourable member for Yorkview has up to two minutes for his reply.

Mr Mammoliti: In terms of elevators, I would encourage the member, the author of the bill, to ask for unanimous consent, if that's possible, to include—

Mr Turnbull: It's already covered.

Mr Mammoliti: I'm not sure it's covered. He would argue that it would be covered. I'm not sure it would be. Bill 95, which was my bill, had that amendment built right into it. I'm afraid that over the next two or three minutes we're going to lose this option to include elevator service as a vital service. If we do that, that's a big loss to tenants. As to the assumption that elevators would be covered with a bylaw, again it's just an assumption. It's my understanding that with unanimous consent we could add that amendment tonight to Bill 104 and get it over with. I don't think anybody in this place would disagree that elevator service is a vital service and should be included in the act. I think it's something we've missed out on and I would certainly encourage the author again to ask for permission to do that. I'll give him 40 seconds to do that.

The Speaker: Is there further debate?

Mr Turnbull has moved third reading of Bill 104, An Act to amend the Municipal Act in respect of vital services by-laws. Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

Orders of the day.

Hon Brian A. Charlton (Government House Leader): I'm not sure what the order number is, but it's the bill we dealt with earlier this afternoon, Bill 170, and gave unanimous consent to move it to third reading.
2030

DONATION OF FOOD ACT

LOI DE 1994 SUR LE DON D'ALIMENTS

Mr McGuinty moved third reading of the following bill:

Bill 170, An Act respecting the Donation of Food / Projet de loi 170, Loi concernant le don d'aliments.

The Speaker (Hon David Warner): Does the member have any opening comments?

Mr Dalton McGuinty (Ottawa South): Just a few brief comments, given the lateness of the hour and the time constraints we're operating under, Mr Speaker.

I want to begin by thanking all the members of this Legislature for their cooperation in bringing this bill forward in a very timely manner. It's going to address, in a small but at least very concrete way, some of the problems associated with feeding our hungry people who attend at food banks in order to obtain food.

Passage of this bill will show that we are both support-

ive of people who donate food in a charitable spirit to our food banks and to the volunteers who work there in the same spirit. But above all else, passage of this bill will show our willingness to assist those people who, through no fault of their own, must attend at food banks to obtain food to feed themselves and their families.

The Speaker: I thank the honourable member for Ottawa South for his contribution to the debate and invite any questions and/or comments. Is there further debate?

Seeing none, Mr McGuinty has moved third reading of Bill 170. Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

Hon Brian A. Charlton (Government House Leader): Mr Speaker, under the 76th order, I'm seeking unanimous consent for the order for committee of the whole House on Bill 147 to be discharged and the bill referred for third reading.

The Speaker: Do we have unanimous consent? Agreed.

AVIAN EMBLEM ACT, 1994

LOI DE 1994 SUR L'EMBLÈME AVIEN

Ms Murdock moved third reading of the following bill:

Bill 147, An Act to designate an Avian Emblem for Ontario / Projet de loi 147, Loi sur l'emblème avien.

The Speaker (Hon David Warner): Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

LAND LEASE STATUTE LAW

AMENDMENT ACT, 1994

LOI DE 1994 MODIFIANT DES LOIS

EN CE QUI CONCERNE LES TERRAINS À BAIL

Mr Wessenger moved third reading of the following bill:

Bill 21, An Act to amend certain Acts with respect to Land Leases / Projet de loi 21, Loi modifiant certaines lois en ce qui concerne les terrains à bail.

The Speaker (Hon David Warner): Does the member have any opening comments?

Mr Paul Wessenger (Simcoe Centre): No, I have no opening comments, Mr Speaker.

The Speaker: Is there any debate?

Mr Joseph Cordiano (Lawrence): I rise to speak to Bill 21 and would point out that there are several problems with the entire process that's been followed around this matter, first of all the failing on the part of the government to hold proper and broad public hearings around this matter. Two days of hearings on committee are wholly inadequate for the changes that have been made regarding Bill 21 and the impact this will have on land-lease communities. All the stakeholders were not invited to these hearings and subsequently the process that followed was fraught with changes that went well beyond the original intent of the bill. As it turned out, by the time public hearings were held, there were 25 amendments to the bill in 26 sections; the bill contained 26 sections.

The entire process was not inclusive enough to bring in the stakeholders who are very much affected by this bill and get their input about needed changes, and subsequently following up on those changes. I would point out that although Mr Wessinger, the member in whose name the bill was introduced, made efforts to have informal meetings and subsequent other meetings, not all the stakeholders or significant numbers of them were involved in those meetings. Consequently, what came out at the end was a piece of legislation that did not reflect adequately the broad views of all the stakeholders.

At the end of the day, some 35 changes in total were made to the legislation. By the time this bill was brought to committee of the whole, and that was several days ago, additional substantial changes were made and there was again a lack of public hearings around those changes.

If the government fully intended to make this legislation, that the ministry at some point decided to support and suggest it would become government legislation, I can't understand why the ministry would not have taken additional measures to bring the stakeholders together, because there were significant elements of this bill that did not fit together and will lead to various problems. These have been pointed out in committee repeatedly and I won't spend too much time dwelling on those.

But provisions of the Rental Housing Protection Act will be very difficult for tenants who live in these land-lease communities. It will also be difficult for owners of these land-lease communities to make necessary repairs to such things as water and sewage lines. At the end of the day, the complications of the complexity of this bill have not been looked at thoroughly enough to understand the real impact on these land-lease communities.

When all is said and done, I think we will have a series of unfolding disasters in many of these communities because this bill fails to address those very difficult, complex questions. It's fine to bring in these communities under the Rent Control Act in the name of protecting tenants, and I believe that was the full intent of this legislation from the beginning, but to not understand the consequent impacts of that and the rental housing protection on these very unique communities, not addressing those things in the legislation, leaves those communities with many, many complications for the future.

It's very unfortunate that the government rushes this bill through—it's the end of the session, the last day of the session, the last night of the session—without having held the proper hearings that legislation very much needs when it is a complex piece of legislation such as the one we're dealing with. Proper public hearings are necessary for legislators to get the full and broad spectrum of views on every piece of legislation, and the government failed to do any of those consultations in advance of those hearings.

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At the end of the day, it is a private member's bill, that the government and the minister indicated they would support, and here we have them dealing with government legislation that will become law after this third reading is passed. I concern myself about the impacts of this legislation and I think we're going to have a lot of

fixing up to do with this legislation down the road.

I simply say that as the bill stands, we have a great deal of difficulty supporting it because there are too many aspects to this legislation that were not dealt with and that made this legislation in the end very unworkable.

The Speaker: I thank the honourable member for Lawrence for his contribution to the debate and invite any questions and/or comments. Is there further debate?

Mrs Margaret Marland (Mississauga South): I am happy to rise to speak on Bill 21. I am certainly pleased that the Liberals have shown up to speak tonight, because they have been nowhere on this bill. They did not prepare any amendments to try to improve the bill. They were in attendance at the one and a half days of public hearings, but they have not participated since that time in trying to improve this private member's bill.

I realize it's very difficult to make a silk purse out of a sow's ear, to use an old-fashioned expression, but my office has, in the period we've been dealing with this bill since it was first tabled on May 19 a year ago, probably by now received in excess of a hundred telephone calls and my executive assistant has spent an inordinate amount of time doing research and trying to answer questions for the many, many people who called who have a lot of concern with the bill.

As I said at second reading earlier this week, the major concern I have had from the beginning is that this bill, because of the fact that it's a private member's bill, has not received due process. When we have a government bill, it goes through an entirely different process than does a private member's bill.

Even in the drafting itself of a private member's bill, the private member gives an outline of the bill to legislative counsel and they draft it. A government bill goes through legislative counsel and ministry counsel, the ministry that is responsible for that bill. Bills then go through cabinet, benefit from the full scrutiny of the cabinet. They are circulated to other ministries, so that if a government bill impacts in other ministries, there is a check and balance system to deal with that.

Also, with government bills the government spends a great deal of money advertising its bills, so the public pays attention, the public understands what is meant by a government bill. Of course, the bottom line is that the history of private members' bills certainly isn't a very positive one, because in the past very few private members' bills have been passed into law. Because of that, the weight and importance of private members' bills has been very light.

What is very unfortunate with this bill is that the subject matter itself needed the full scope of a government bill. It isn't that it's a matter that doesn't need legislation; this matter has needed legislation probably for the last three or four years. It's a matter that needs full scrutiny by every aspect of government in this province, and this bill simply has not had that.

Land-lease retirement communities are an emerging lifestyle choice. They're very popular. As I've said previously, it is a growth industry. It's a growth industry the same way that condominiums were when they were

first introduced as an alternative form of housing. When condominiums came on the market and investors started making that investment choice, the Progressive Conservative government was in power in this province. We brought in legislation to address the unique and particular needs of condominium investors.

What the land-lease retirement community investors need is the same kind of protection. Land-lease retirement communities have particular and unique needs. Unfortunately, this bill lumps together a number of forms of living accommodation. Some of it isn't permanent living accommodation, it's seasonal. It may be from May to October, it may be for 12 months a year, it may be in a trailer park, it may be in a mobile home park and it may be in a land-lease community, but under this bill they're all together. There is no recognition of the differences and the need to have special legislation for land-lease communities.

Although constituents of both the proponent of the bill, Mr Wessinger, the member for Simcoe Centre, and another member of the government, the member for Durham East, Mr Gordon Mills, asked in our public hearings for changes to be made to the bill, those changes were not made. The briefs, which I have spent a lot of hours re-reading in the last three weeks, told us time and time again that there is a need for this bill to address land-lease communities as a separate entity. They asked time and time again that the bill amend the Planning Act to address land-lease communities.

The reason that request was made is a very important one. Presently, when land-lease communities are developed, they do not have to meet any municipal standards under the Planning Act. Therefore, when these land-lease communities are constructed, they meet a standard only as good as the investment that particular developer wants to make.

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So we have to ask why land-lease communities can be built differently than any other form of land development. We think it is wrong that people who invest thousands of dollars in a land-lease development home do not have the protection under the Planning Act that they should have. We think it's wrong that we have on the one hand municipal standards for every other form of land development, so that when people buy a house in a standard subdivision in a municipality they know that the roads, the water lines, the sewage treatment systems, the pipelines, the electricity, all the services that go into that subdivision meet the municipal standard under the Planning Act. They know that. They don't have to worry that the road is going to cave in or that the water mains are not going to last a reasonable length of time. They don't have to have a concern with that, because there exists a municipal standard.

But this bill doesn't address the concern that in the land-lease community when people buy a home, they have none of those guarantees. They invest thousands of dollars, if it is a modular home or a mobile home that they put in a land-lease community on that leased lot that they invest thousands of dollars in. They have no guarantee about how long the services to that lot will last. They

may, in many circumstances, have to share in the costs of the replacement of those services and the upgrading and the repairs and maintenance. While this bill is supposed to address the protection of people in land-lease communities, it really doesn't do that.

I think what bothers me most about the bill is the fact that people have been misled over the debate of this bill. People have been misled during this debate on this bill because they think this bill gives them a security and a protection that it simply does not. They think that if they have problems with their rent in terms of rent control appeals, this bill is going to solve it. It will not. They actually believe that the proponent of the bill tried to get more days for hearings of the bill, if they received a letter from Mr Wessinger, the member for Simcoe Centre, saying that he would ask for more hearing days because he felt one day of hearings was insufficient. He also promised people that he would make sure that the committee travelled. He never once asked the committee or the subcommittee of general government for that committee to travel, and he did not ask for additional days of hearings.

One of the reasons that we asked that it be a government bill was because we wanted to fully explore the kind of legislation that we felt was needed. A full exploration of a government bill would certainly not have been limited to a day and a half, and on this subject particularly it wouldn't have been limited only to a day and a half in Toronto, since none of these land-lease communities is exactly right on the doorstep of Toronto.

The other question that is still outstanding that the government members on the committee refused to acknowledge and do anything about is the question of Bill 120 and its impact on land-lease communities, the question of land-lease communities being able to have basement apartments and additional units if they're the ones that are on septic tanks. If they are on a sewage system they can still have basement apartments in a land-lease community.

Finally, the other concern we have with the bill is the Rental Housing Protection Act, which in the long run will impede those investors in those land-lease communities. One thing that I really think neither Mr Wessinger nor Mr Mills, the member for Durham East or the member for Simcoe Centre, would have wanted but which I have drawn to their attention and they still have not addressed, is that while we all agreed that by removing the landlord's first right of refusal at 95% of the value of an offer for purchase and making that change from 95% of the value of the offer to purchase to 100% of that offer-to-purchase figure, in order that somebody selling their property would get their full purchase price even if the landlord had the first right of refusal on that purchase and sale, one of the things that has resulted is that existing leases that have a first right of refusal in them, that state 95% of the offer-to-purchase price, now become null and void. This bill, in negating those existing leases, means that everyone who now thinks they have the protection of the first right of refusal at 100% of the value in fact has no protection at all, because this bill will negate their existing lease. This means that these home owners are

going to have to very quickly go out and have their lawyers draw up new leases, because their lease is actually worthless as it now stands.

I would have hoped that the member for Simcoe Centre, who is a lawyer, and I am not, would have seen that tremendous problem that the bill creates, because there would have been a way, in the drafting of the bill, that this concern could have been addressed.

The member for Simcoe Centre brought in 35 amendments to his own bill, which tells you something about how poorly drafted the bill was in the first place. It's just unfortunate that, in cleaning up the bill, the major concerns by the tenants around this province and by the property owners have not been addressed.

Obviously, the final outcome of this bill has yet to be known. Obviously, this Bill 21 will be passed tonight by a majority in this House held by the government, the NDP government. The majority of the members in this House, in the government, who pass this bill do not know what the bill contains.

The concern that all of us have is for the inequity that exists in this province for people who have made tremendous investments both in real estate and in buildings. We have asked for more time to be spent on the bill. We also had asked for this bill to be withdrawn as a private member's bill and for the government to bring in the proper legislation that this subject requires.

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Land-lease retirement communities are, as I said, an affordable form of housing. It's a direction for the future. It's a wonderful choice for thousands of people, but today they are not protected in a provincial statute as they should be.

Whether or not this bill is ever proclaimed we have yet to find out. If the government passes it tonight—and I say this to everyone who's listening who thinks, "It's passed; we can relax"—this government moved closure on a bill in this House on employment equity six and a half months ago, even to the point where they rushed it through before Christmas and, as I say, moved closure so that nobody else could debate the bill. That bill still has not been proclaimed into law almost seven months later, so who knows whether Bill 21, as a private member's bill, will ever be proclaimed into law.

Personally, I hope that it will not, because I hope that the government will see its responsibility to the thousands of people who choose this kind of investment, this kind of environment in which to retire and live; of course, not all people in these communities are retired. I hope the government will see its responsibility, as we did, and bring in an act to protect the investment for people in land-lease communities.

Since we are not the government, I am powerless to do anything more on this bill. I am happy that at least my staff and I have been able to make the effort that we have in trying to bring the concerns to the attention of the government in the hope that they would make amendments to make this bill acceptable, make it work and do a job to protect the interests of everybody. There is an important question of equity here and there is an import-

ant question of investment in land on the one hand and investment in buildings on the other. There are rights of both of these parties that are not being addressed by this bill and that Bill 21 will only complicate.

Thank you, Mr Speaker, for this opportunity to speak again on third reading. I hope that all the land-lease communities won't suddenly blossom and flourish into double occupancies with basement apartments and accessory units as a result of this bill, which could have exempted land-lease communities.

In spite of the fact that the government finds that comment of mine amusing, there is no lot size requirement in Bill 120. It doesn't matter how small your house is or your lot; there is no size requirement in Bill 120 for an accessory unit or a basement apartment. Therefore, if it's a trailer park or a mobile home park or a land-lease community, it is not exempt from 120. So if the government finds that humorous, it obviously doesn't see the responsibility it has to thousands of people in this province who have made this kind of investment.

I will guarantee you that when we become the government in the next 12 months, one of the first pieces of legislation we will bring to this House will be legislation to protect land-lease communities and the people who invest in them.

The Speaker: I thank the honourable member for Mississauga South and invite any questions and/or comments. Is there further debate? Seeing none, the honourable member for Simcoe Centre has moved third reading of Bill 21. Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

Hon Brian A. Charlton (Government House Leader): Mr Speaker, I believe the Lieutenant Governor awaits royal assent.

His Honour the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

ROYAL ASSENT
SANCTION ROYALE

Hon Henry N.R. Jackman (Lieutenant Governor): Pray be seated.

The Speaker (Hon David Warner): May it please Your Honour, the Legislative Assembly of the province has, at its present meetings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

Senior Clerk Assistant and Clerk of Journals (Mr Alex McFedries): The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 18, An Act to permit Patients receiving Chronic Care to install their own Television or combined Television and Video-Cassette Recorder / Projet de loi 18, Loi permettant aux malades chroniques d'installer leur propre téléviseur ou leur propre combiné téléviseur-magnétoscope à vidéo-cassette

Bill 21, An Act to amend certain Acts with respect to

Land Leases / Projet de loi 21, Loi modifiant certaines lois en ce qui concerne les terrains à bail

Bill 62, An Act to amend the Environmental Protection Act in respect of the Niagara Escarpment / Projet de loi 62, Loi modifiant la Loi sur la protection de l'environnement à l'égard de l'escarpement du Niagara

Bill 91, An Act respecting Labour Relations in the Agriculture Industry / Projet de loi 91, Loi concernant les relations de travail dans l'industrie agricole

Bill 104, An Act to amend the Municipal Act in respect of vital services by-laws / Projet de loi 104, Loi modifiant la Loi sur les municipalités en ce qui concerne les règlements municipaux relatifs aux services essentiels

Bill 27, An Act to amend the Employer Health Tax Act and the Workers' Compensation Act / Projet de loi 27, Loi modifiant la Loi sur l'impôt prélevé sur les employeurs relatif aux services de santé et la Loi sur les accidents du travail

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Bill 113, An Act to amend the Liquor Control Act / Projet de loi 113, Loi modifiant la Loi sur les alcools

Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to Regulate its Sale and Use by Others / Projet de loi 119, Loi visant à empêcher la fourniture de tabac aux jeunes et à en réglementer la vente et l'usage par les autres

Bill 134, An Act to revise the Credit Unions and Caisses Populaires Act and to amend certain other Acts relating to financial services / Projet de loi 134, Loi révisant la Loi sur les caisses populaires et les credit unions et modifiant d'autres lois relatives aux services financiers

Bill 136, An Act to amend the Courts of Justice Act and to make related amendments to the Freedom of Information and Protection of Privacy Act and the Justices of the Peace Act / Projet de loi 136, Loi modifiant la Loi sur les tribunaux judiciaires et apportant des modifications corrélatives à la Loi sur l'accès à l'information et la protection de la vie privée et à la Loi sur les juges de paix

Bill 138, An Act to amend the Retail Sales Tax Act / Projet de loi 138, Loi modifiant la Loi sur la taxe de vente au détail

Bill 146, An Act to amend the Corporations Tax Act / Projet de loi 146, Loi modifiant la Loi sur l'imposition des corporations

Bill 147, An Act to designate an Avian Emblem for Ontario / Projet de loi 147, Loi désignant l'emblème avien de l'Ontario

Bill 159, An Act to authorize borrowing on the credit of the Consolidated Revenue Fund / Projet de loi 159, Loi autorisant des emprunts garantis par le Trésor

Bill 160, An Act to amend certain Acts to provide for certain Measures referred to in the 1993 Budget and for other Measures referred to in the 1994 Budget and to make amendments to the Health Insurance Act respecting the Collection and Disclosure of Personal Information / Projet de loi 160, Loi modifiant des lois pour prévoir certaines mesures mentionnées dans le budget de 1993 et

d'autres mesures mentionnées dans le budget de 1994 et modifiant la Loi sur l'assurance-santé en ce qui concerne la collecte et la divulgation de renseignements personnels

Bill 161, An Act to amend various Taxation Statutes administered by the Minister of Finance and to amend the Liquor Licence Act / Projet de loi 161, Loi modifiant diverses lois fiscales appliquées par le ministre des Finances et modifiant la Loi sur les permis d'alcool

Bill 170, An Act respecting the Donation of Food / Projet de loi 170, Loi concernant le don d'aliments

Bill 181, An Act to regulate the Purchase, Sale and Provision of Ammunition / Projet de loi 181, Loi réglementant l'achat, la vente et la fourniture de munitions

Bill Pr24, An Act respecting the City of Hamilton

Bill Pr28, An Act respecting the City of Ottawa

Bill Pr43, An Act respecting the City of Toronto

Bill Pr53, An Act to revive The Canneto Society Inc

Bill Pr60, An Act to incorporate Heritage Baptist College and Heritage Theological Seminary

Bill Pr70, An Act respecting the Town of Napanee

Bill Pr95, An Act respecting the City of Kitchener

Bill Pr96, An Act to revive The Hamilton and Region Arts Council

Bill Pr98, An Act respecting the City of Ottawa

Bill Pr99, An Act to revive Eden Community House of Toronto

Bill Pr103, An Act respecting the County of Essex

Bill Pr105, An Act respecting the Township of Tay

Bill Pr106, An Act respecting the County of Victoria

Bill Pr108, An Act respecting the County of Essex and the Local Municipalities in it

Bill Pr110, An Act to revive Namdhari Sangat Canada (Society) Ont

Bill Pr111, An Act to revive Oaktown Property Management Limited

Bill Pr112, An Act respecting the Town of Picton

Bill Pr113, An Act respecting the County of Lambton

Bill Pr114, An Act respecting Hamilton Community Foundation

Bill Pr119, An Act respecting the Town of Orangeville

Bill Pr122, An Act respecting the City of Windsor

Bill Pr124, An Act respecting the Township of Seymour

Bill Pr125, An Act to revive the Lions Club of Kingsville

Bill Pr126, An Act to revive Electrical Construction Association of Hamilton Inc

Bill Pr127, An Act respecting the Town of Dresden

Clerk of the House (Mr Claude L. DesRosiers): In Her Majesty's name, His Honour the Lieutenant Governor doth assent to these bills.

Au nom de Sa Majesté, l'honorable lieutenant-gouverneur sanctionne ces projets de loi.

His Honour was then pleased to retire.

Hon Brian A. Charlton (Government House

Leader): Mr Speaker, the member for Leeds-Grenville had asked for unanimous consent earlier this evening to deal with a motion that he wished to propose. Unanimous consent was denied at that point. I understand there has been an agreement reached and I seek the unanimous consent of the House to allow the member for Leeds-Grenville to present his motion and, without debate, to have it voted on.

The Speaker: Is there unanimous consent? Agreed.
VIOLENT CRIME

Mr Runciman moved:

That in the opinion of this House the Legislative Assembly of the province of Ontario, sharing the public's concerns about the level of violent crime in our society and to support our law enforcement officers' demands that the federal government of Canada amend the Immigration Act to provide for the automatic, non-appealable deportation of any landed immigrant or refugee who is

(a) convicted of a criminal offence involving violence where the conviction results in a sentence of six months or more;

(b) convicted of a criminal offence involving the use of a weapon or the possession of an illegal weapon where the conviction results in a sentence of six months or more; or

(c) has more than three criminal convictions.

The Speaker (Hon David Warner): Is there debate on the resolution? Seeing none, is it the pleasure of the House that the resolution carry?

All those in favour will please say "aye."

All opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members; a 30-minute bell.

The division bells rang from 2118 to 2123.

The Speaker: Mr Runciman has moved a resolution which stands on the order paper in his name.

All those in favour of Mr Runciman's resolution will please rise, one by one.

Ayes

Arnott, Carr, Eves, Jordan, Marland, Runciman, Sterling, Stockwell, Tilson, Turnbull, Villeneuve, Witmer.

The Speaker: All those opposed to Mr Runciman's resolution will please rise, one by one.

Nays

Abel, Allen, Beer, Boyd, Buchanan, Charlton, Churley, Cooke, Cooper, Duignan, Elston, Gigantes, Haeck, Hansen, Haslam, Hayes, Hope, Huget, Jamison, Lankin, Lessard, MacKinnon, Malkowski, Marchese, Martin, Mathysen, Murdock (Sudbury), O'Connor, Owens, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rizzo, Silipo, Sutherland, Ward, Wark-Martyn, Waters, Wessinger, White, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winniger, Wiseman, Wood, Ziembra.

The Speaker: The ayes being 12 and the nays 46, I declare the resolution lost.

INTERIM SUPPLY

Mr Charlton, on behalf of Mr Laughren, moved

government notice of motion number 31:

That the Minister of Finance be authorized to pay the salaries of civil servants and other necessary payments pending the voting of supply for the period commencing August 1, 1994, and ending December 31, 1994, such payments to be charged to the proper appropriation following the voting of supply.

The Speaker (Hon David Warner): Does the government House leader have any opening comments?

Hon Brian A. Charlton (Government House Leader): I believe the parliamentary assistant has.

Mr Kimble Sutherland (Oxford): I'm pleased to speak to the motion for interim supply. I think most people in this House understand by now the need for an interim supply motion to be passed so that transfer payments, including payments to hospitals, doctors, municipalities, family benefits recipients, school boards, suppliers accounts and civil servants' salaries, can be paid and statutory payments can be made, including interest on the public debt, loans to the ODC and all payments from special purpose accounts.

As I say, given that this gives us the authority to pay all these accounts, I'm sure all members wanting to provide some comment will definitely want to be supportive of ensuring that this motion passes.

The Speaker: Is there further debate on the motion?

Mr Chris Stockwell (Etobicoke West): I'll be brief.

Hon David S. Cooke (Minister of Education and Training): Relatively speaking.

Mr Stockwell: About an hour, give or take. I'll give them notice that if they want to go down and figure out what they just voted on, they can.

I personally would like to start off talking about Mr Runciman's resolution having a place in interim supply. I'm very disappointed actually that neither the government nor the Liberals could see their way clear in expressing the concerns of the people of the province of Ontario. It would seem to me that probably one of the most important if not public debates that is raging today in the province of Ontario is immigration, crime and the lax, unenforced programs that are in place that turn out to be disastrous. It turns into disastrous consequences.

I think the member for Leeds-Grenville's motion was a motion that was designed to bring attention to this issue from a major body in the province of Ontario, the Legislature. It was designed to bring attention to an issue which, I'd like to say and express, the member for Leeds-Grenville has brought to the floor of this House on any number of occasions.

Five or 10 years ago if you had tried to debate this issue, you would have been branded a racist, no doubt in my mind, if you wanted to talk about immigration and the lax enforcement. It was generally closed off by those on the left of the political spectrum. They closed the debate off in I think unfair fashion a lot of times.

Today the problem has become so severe and so pronounced, highlighted again in the very recent shooting of the police officer in Metropolitan Toronto, that we as a Legislature in the province of Ontario have got to send a

message to the federal government in Ottawa. They have, in my opinion, appeared to be bungling this particular issue from the word go. They have ministers saying one thing, and the next day the union officials come out and say something different. In fact, I heard on the radio yesterday that there are something like 40,000 outstanding deportation orders in Metropolitan Toronto alone.

2130

Hon Elaine Ziemba (Minister of Citizenship and Minister Responsible for Human Rights, Disability Issues, Seniors' Issues and Race Relations): Of course, it's only accumulated in the last few months.

Mr Stockwell: I know. I'm not suggesting it has only accumulated in the last few months. I never suggested that at all. I'm saying the system has been broken and it's broken badly, and I think it's up to us to let the federal government know that we believe the system is badly broken. If there are 40,000 outstanding deportation orders in Metropolitan Toronto alone, I think the people in the province and those in the federal government would understand that this system needs to be repaired.

I think the motion of Mr Runciman, the member for Leeds-Grenville, was a fair motion. It expressed the outrage in the province, it brought forward some criteria from which the federal government could work to try and figure out how it would go about dealing with this issue, and it expressed an all-party concern that we have with respect to violent crime and criminal activity. The three, (a), (b) and (c), are very straightforward, and I'm not really sure how members opposite would disagree with these kinds of specifics put into his resolution.

I'll read it. The body of the resolution goes:

"...the federal government of Canada amend the Immigration Act to provide for the automatic, non-appealable deportation of any landed immigrant or refugee who is:

"(a) convicted of a criminal offence involving violence where the conviction results in a sentence of six months or more;

"(b) convicted of a criminal offence involving the use of a weapon or the possession of an illegal weapon where the conviction results in a sentence of six months or more; or

"(c) has more than three criminal convictions."

The problem, I think, the government members expressed with respect to this is, they were concerned about "without appeal," but we have to understand what the "appeal" means in "without appeal." What we're speaking to in this resolution when it says "without appeal" is not the conviction itself. That certainly is appealable. What we are speaking to when we say "without appeal" is that if you're convicted you must be deported. There's no appealing the deportation. Once you're convicted, that's it. Automatically kicking in is the deportation action, and it gets done and secured and sent wherever immediately upon release.

Why we need this kind of resolution or in fact legislation at the federal level is that, as I said previously, some 40,000 deportation orders are outstanding in Metropolitan Toronto today. I found that number absolutely staggering.

The union that is supposed to search out those who are avoiding deportation claims that it does not have the manpower, the facility or the inclination to begin to search people out. They say that if you turn yourself in you'll be deported. If you don't turn yourself in you never get deported. That's how the system works today.

Mr Drummond White (Durham Centre): Are we debating the resolution?

Mr Stockwell: I know the member for Durham Centre doesn't want to heckle me now. I know he doesn't. I'm sure he doesn't.

That's how the system works today and that's the kind of thing that I've heard at my constituency office in talking to people in my riding for the last two or three weeks, and specifically leading up to the case after the policeman was shot.

I just wanted to comment on that briefly, to get it on the record and to ensure that the people understand what the government members and the Liberal members voted against. What they voted against, I think, was a very reasonable resolution. It wasn't to become law; it was a resolution to be sent to the federal House to allow them to take it in, understand the concerns of this province and hopefully enact this kind of reasonable and sensible and practical law that the people in this province, I believe, not unanimously but clearly a majority, would support, and I say a vast majority. I will say, the majority is on the upswing. More and more people are talking about this specific issue, and more and more people are talking in these kinds of terms. They're talking this way because of the complete breakdown and inability of the immigration department to deal with the problem that has been created by probably a few governments, including Conservatives and Liberals. So I was profoundly disappointed, considering the events today, that this couldn't be done.

What this government did do is pass a piece of legislation that talked about the sale of bullets or, I suppose, ammunition. I myself don't think this is the most important piece of legislation if you're going to deal with the guns and the violent crime today. I don't honestly think that anyone who's going to commit a violent crime would have any difficulty buying bullets legally or illegally. I think it's a bit of window dressing. I think it's important to try and get a message out there that we're grappling with the idea, but in the reality of the street crime and the violent crimes on the streets today, particularly in Metropolitan Toronto, I don't think it's going to have too much of an impact, if any impact at all, on that issue.

I speak to these issues on interim supply because I know at my constituency office the most important issues I hear from constituents about are still jobs, economics, taxes and those kinds of things. But what my constituents are speaking about more and more is crime. What also they're speaking about is safety. A lot of constituents are coming to me today—having been elected in this metropolitan area for 12 years or so—which they didn't do 10 or 12 years ago, and they're talking about the fact that they don't feel safe in this city any more. The safety level has certainly decreased, and they're concerned with respect to their neighbourhoods and the safety of their neighbourhoods and communities. That is becoming more

and more important. As you see the recession, in my opinion, turning around and the economic forecast getting better, I think you'll find that the concerns with respect to law and order and safety and violent crimes will become more and more important when the economy moves off as the number one public agenda item.

So I spent all of my time debating those particular resolutions. I understand interim supply deals with the spending and allotment of spending dollars as far as salaries are concerned and so on and so forth. I spent a lot of time this session talking about the budget, the deficit and those figures. I thought maybe it was appropriate this time that we deal with one of those issues—or I feel I think I should deal with one of those issues—that is on the front burner in the public's mind and something that I think they're prepared today—and I want to be very clear about this: The public today is very prepared to take a more proactive, progressive approach to dealing with crime in their streets. They're prepared to look at some different pilot projects; they're prepared to look at some different angles and alternatives that maybe they weren't prepared to look at 10 or 15 years ago.

I think what it comes down to is that the people feel they're losing their own neighbourhoods and streets, and they want them back. I think they're prepared to look at any avenue that it's going to take to get those things back and rightfully in the place where they belong, which is to the people of Metropolitan Toronto, the law-abiding citizens who are not violent criminals and are not causing these horrific crimes that take our city and our province and our nation by shock.

Mr Alvin Curling (Scarborough North): I actually wasn't going to speak in regard to this bill, this motion, at all, but as I heard our colleague from Etobicoke speak, I said, "Let me make some comments too."

I also would like to make some comments about some of the response, the way that this government has handled its affairs, coming up at the last moment to be asking for money to pay its civil servants, who have of course worked pretty hard. Maybe that's where their priority lies; maybe one of the last things on the agenda is to look at how we pay our civil servants.

2140

Let me just comment on the member for Etobicoke West, and Mr Runciman's resolution. Of course it's a democratic arena in which we can, as legislators, put forward a resolution and debate it, and it's lost. But my concern here, too, is how an individual could look at a resolution like that and almost blame immigrants for all of the crimes that are committed in the province, and to then say that if we do that, it will resolve the problems that we have, the criminal elements and the crime that's being committed in this province. It's a sad day, very, very sad indeed, that that's the way they look at that.

Of course, some of the incompetence of maybe the officers in carrying out their work or the system which did not report these individuals may have caused this, but to get into any debate on this is maybe not worthwhile because I don't think they would even understand. The fact is that you could have an individual who arrived here at age eight, from whatever country they're from, or age

two, six months, have no connection with the country of their parents at all, and a crime is committed, and ask that individual to go back home, or what they call their home, and how that will be dealt with. I think that is something we should look at.

As a matter of fact, to even put the resolution before a House, when we are on the last day, when members would like to assess it to understand it fully, and expect everyone to support that—the kind of remarks I heard from the member for Etobicoke West are not at all surprising coming from him, and sometimes many members of his party. I was very disturbed to know that they were to put forward that, and having lost the resolution, continue to debate it under interim supply, because he felt that it was more important than paying the civil service.

Again, I want to just touch on a couple of things that this government has done, as we wind up today. I want to touch on maybe employment equity, which they had before them almost three years and up to today, the last day, they're unable to even bring the regulation in. The Lieutenant Governor has come and he has gone and the bill is not yet proclaimed, because the minister, somehow, didn't have the skills or even the influence or the ability to bring forward this, which I feel was so badly done, the Employment Equity Act, or regulation, as it would be. That is not even here yet. And it is sad because, although I don't feel it to be as effective as it could be, the fact is that they don't even have the ability to bring it forward. That's a very, very sad situation.

I also watched as we voted on the loan act. This government came forward looking to borrow money at this stage in order to carry on its business after it's run this province into one of the worst deficit positions in history, and then turns back to blame it all on past governments. They also told us how well, if they had been given a chance, they would have done. You just have to step outside not too far and ask anyone in this province: "What do you feel about the management of this government? What do you feel about how they've handled the situation in the last four years?" They all will say, "We can't wait to get these people out because of the incompetent manner in which they have handled the situation here."

No wonder they have to come today and ask for all this loan to carry on their incompetence. With democracy as it is, of course, we have to continue in the fourth; the fifth year will come along, when they've got to surrender their responsibility. Or maybe they are saying to themselves, "We are just dying for that election day to relieve us, so some responsible individuals can take over."

We're going to be in a worse position. As the days go on, the deficit climbs. The deficit climbs on and on, and they keep on spending and spending. The fact is that today, who is going to be faced with that bill? Those citizens of our province, who will be facing this huge debt that they have accumulated on this province.

It's kind of sad as you see this happen, and they have their numbers over there to bully most of the legislation in here and ram it through, and we, understanding democracy, wait patiently for the day to come. We had hoped today that the Premier would have announced,

having done his best, which is not good enough for the province: "Here is an election. Let's go forward and ask the people who they would like to run this province once again." With his confidence that he has, I presume he'd be relieved to know they would not vote that New Democratic Party back in power.

Some of their own colleagues come to me at times with pain in their heart, hoping that, "My golly, I just hope they take me out of this misery and let me go on somehow, maybe to try the municipal election, because some people may not recognize my name there," and few people vote and they may get a seat there, because they know very well people are just waiting for that day to take them to the poll.

If you feel they have dealt the Conservatives federally a blow, you will anticipate this blow that is coming to this incompetent government that has continued to send this province into one of the worst deficits we have ever seen. The pain about all this is that the citizens of this province have to carry that debt load for years to come.

I recall that they applauded, the happiness of the students of this province when the NDP was elected. They were so happy when they announced that tuition fees and going to schools would be free. Mr Sutherland, who just came out of high school, almost, said to himself, I could see: "If I was about four years back, I would have gotten free tuition fees, because my government has won. I would not have paid all these fees to my university."

Alas, Mr Speaker, what has happened? Do you think the fees went down or were eliminated? No. They went up, and not only that, the OSAP that the students were looking forward to to support them in grants was wiped out. The loans were reduced while the fees went up.

You should be so ashamed of yourselves. The young people of this province are also waiting. As a matter of fact, as they move up to 18, waiting for a vote, maybe they've said, "Somehow it gives me the opportunity to get rid of this incompetent"—these people were promised all these things, and today have paid more for their schooling and more jobs have disappeared in this province. They brand everything Jobs Ontario, and no one is getting any jobs. They come in and they shout about that. No one is getting any jobs. We are going into a summer, and many students are coming to my constituency office tomorrow, when I'll be there, asking again: "I wonder if I could get a job. Could I go to one of the ministries and talk about their program? We called. We can't even get an answer, not even a response."

Talking about response, if I had the opportunity to pay ministers over there, they wouldn't get a red cent out of this interim supply, because they have not done their job at all. I can't even get a letter answered in two or three years from the Minister of Citizenship. If I write to her, I can't get the letter answered. Why should I be paying them? I am an elected member who speaks on behalf of thousands of people in my constituency, and I can't get a letter in response from the minister. If I had the opportunity, really, to pay those members over there, not a red cent would they have gotten, because they are so incompetent. They have let down the people so badly.

2150

Today my dear member had to move a bill in regard to food for the poor. You know, I recall that when they came here they talked about wiping out poverty and food banks, and I saw that dear Mrs Akande was appointed to that position. Her commitment about wiping out food banks, I saw it there and I really felt it, and I said: "What a commitment. Food banks will be wiped out." Guess who was wiped out? Mrs Akande. They cut her out of the ministry for less than what has been done by the Minister of Housing and a couple of the conflict-of-interest things that they are doing.

Today, Mrs Akande, a good individual, a good member, has decided: "I've given up. I can't be bothered with this party, their philosophy, because they don't jibe one bit at all." Her remarks? You know what her remarks—

Mr Rosario Marchese (Fort York): You're still around, Alvin. That's good.

Mr Curling: I will be around long. As the member for Fort York says, I'm still around, and I'll be here for a long time. I will be on your back, you see. I'll be on your back until election time when you'll be out, because poverty is here and the people are lining up. The lines for food banks are longer under this socialist government. They said they were for the people and they'd eliminate these lines. They have not done so. If they were a part of this interim supply, where they should be getting paid, I wouldn't pay any one of them there.

Mr Randy R. Hope (Chatham-Kent): We're getting a lot of hot air in here.

Mr Curling: Of course, many of the members over there would respond and say, "This must be hot air." It is not hot air for the students whose fees went up. It's not hot air for those who lost their jobs. It's not hot air for those companies which folded up because of your terrible legislation. It is not hot air for many of those people inside this province who said to themselves, "What did I do on that day in 1990 when I put an X against the people who I believed in what they said?"

My golly, they're paying for it today in numbers. They're paying for it in losing their houses. They can't get their kids to school. They're paying for it in many factors. They're paying for it by lining up at food banks longer. They're paying for it because even the Ministry of Housing itself, where people have to line up to go for social housing, is not there. They're paying for it because the cost of social housing has gone up so much. They're paying for it in many forms.

Sometimes it's painful to say to ourselves we shall vote an interim supply in paying the civil servants. I've spoken to many civil servants. You know what they say to me? They've been working night and day trying their best somehow to bring some sense to the NDP over there, the ministers and members, who can't even respond to a letter, as a matter of fact, and they're getting nowhere.

I want to give heart to the civil servants there, who are working so hard. I've worked with them and they are dedicated individuals who need to be paid. But it pains my heart very much to know that some of that money itself shall be paid to this incompetent government over there that is costing this province and costing the people

a lot of heartaches, pain and suffering. But the day will come when it will be over.

Mr Murray J. Elston (Bruce): Deliverance is with us.

Mr Curling: Definitely. We shall deliver them. We shall deliver the NDP back to where they should be. We shall send them where they will see competent government, where deficits are not so much increased and people are not suffering as they are today.

I just want to put those things on the record as we leave here today, to thank those civil servants and thank those individuals—

Mr Marchese: Hallelujah.

Mr Curling: As he says, "Hallelujah." I hope you understand some of those civil servants' concerns too, how painful it is—we understand that—for those individuals who work hard.

Before I go, I almost forgot. I saw this minister who says she's—you know the arm's-length minister, the Minister of Citizenship, the arm's-length one, the appointments that went through without any competition? While we're putting in employment equity and talking about access and fairness, she's putting people through in positions who never even compete for them. While we speak, on the one hand, about certain things, we are undoing it in another way.

Madam Minister, even if you have three more months to go, clean up your act. Tell those individuals that every job must be competed for, because I'm telling you, many of the minorities that you advocated so strongly about feel very competent that they have the ability to compete any time with any individual. But they need you and your government to move those barriers and stop putting barriers in the way by eliminating competitions and appointing people across and saying, "Oh, that's only for nine months."

And the insult of it all is, one of the positions that she had the stamp of approval for was an employment equity individual who's going to put this process in place. How can you believe these type of people who will say, "This is the individual who will put a fair process in about removing barriers and setting up a system of employment equity," and then that individual not competing for the job? Shame. It's terrible. It's frustrating. It feels so awful to the people outside, who say, "What confidence can I give to this government which spoke one way and in another way did something else?"

It's just somehow that the message has reached the people a long time ago that you are incapable, your government, of doing the right thing, the fair thing, to be fair to all Ontarians of whatever colour, whatever class, whatever creed, and some of the handicapped, which they do have, some of the inadequacies that some people have, to remove those barriers for them to have access to jobs and training. But no.

I vote against an incompetent government. I will continue to vote against them. But that is why I feel very, very, very moved on one hand to know that while I will vote for interim supply in paying our civil servants, I wish I had those powers for all of those individuals who

feel that they should be paid through this process. Well, the time is coming very soon that they will not even be sitting inside this Legislature, because they don't deserve it. They have let the people down.

Ms Sharon Murdock (Sudbury): Tell that to my constituents.

Mr Curling: We did. Your constituents are phoning me and many of my colleagues and saying, "Help." But, again, there's a process. They don't have to tell me any more. They will be telling them all there sooner or later and by somehow doing it with their vote, with their foot, and sending you packing very soon.

Thank you very much for allowing me the opportunity to express the concern of the great constituency of Scarborough North.

The Acting Speaker (Mr Noble Villeneuve): Questions or comments on the honourable member's participation in the debate? Further debate? Would the honourable parliamentary assistant wish to wrap up?

Mr Sutherland: I want to thank the two members who participated.

Let me just say to the member for Etobicoke West that there's good reason that the resolution from the member for Leeds-Grenville was not supported. We dealt with an issue of trying to reduce crime today in an all-party, supportive way in terms of what we did with restricting access to ammunition. I certainly wasn't prepared to deal with what can only be described as a very opportunistic manoeuvre by the member for Leeds-Grenville to take advantage of a tragic situation.

With respect to the comments from the member for Scarborough North, I can only assume that he's so animated because he's trying to deal with his own mixed views on issues. The member has a track record on human rights in the past. He has said he supported employment equity; he voted against it. I assume the Liberal Party have said they support expanding pay equity; they voted against it. They have said they supported extending same-sex benefits; they voted against it.

For the member for Scarborough North to talk about our record, I can only assume it is to help cover up his own guilt about how his party has not supported human rights and how the party seems to be—because we also know they voted against both Bill 40 and Bill 91—how the spirit of Mitch Hepburn seems to be dominating this party, rather than the spirit of Senator David Croll.

The Acting Speaker: The honourable member for Oxford has moved interim supply. Is it the pleasure of the House that the motion carry? Carried.

2200

MEETING OF THE HOUSE

Hon Brian A. Charlton (Government House Leader): I move that notwithstanding standing order 6(a)(ii), when the House adjourns today, it stand adjourned until 1:30 pm on Monday, October 31, 1994.

The Acting Speaker (Mr Noble Villeneuve): Any opening remarks?

Hon Mr Charlton: Just a very brief comment. It's been a wonderful and productive spring session and

we've accomplished a lot this spring. I'm certain that some of my colleagues on the opposition benches will get up and say something about the fact that we're not coming back until the first of November or the end of October, however they choose to phrase it.

I pointed out to a couple of my colleagues opposite earlier this evening that when you sit down and look at the time over the course of the last three years that the House has sat in this Legislature, with this motion we will have in fact sat almost an identical number of days to the days set out in the calendar over the course of the last three years.

The Acting Speaker: Questions or comments?

Mr Murray J. Elston (Bruce): My question is, is the House leader for the government really serious?

The Acting Speaker: Further questions or comments?

The government House leader has two minutes in response.

Further debate?

Mr Elston: The explanation that was given by the government House leader—I guess in jest I asked about whether or not he was really serious. You can't be serious in talking about the length of time over the past three years that we met in this House and use that as a measurement against what is supposedly a regular calendar for each year that we have in this place.

While we do accomplish some things, we have many, many more things to look forward to discussing when we are in this place in the fall, if we're in this place in the fall. There are very many good reasons to expect that this government has no intention of returning to these halls whatsoever or that if they do return they will have wished to have avoided several very important events that are occurring in this province and also in this nation.

While we have, it seems to me, a mandate to meet in accordance with the schedule which has been laid out not just by this group but by people who have gone before us to establish that there are regularized hours and days and weeks in which we can conduct our business, so that we can plan what we are going to be doing, this government really conducts its business around its own affairs, its own party affairs. That has nothing to do with the work that should be done here by the representatives of Her Majesty's loyal subjects.

From my point of view, we should be sticking to the calendar. There are times when, of course, we have to go beyond it; there are times in which we should make sure we get the work done which is presented to us. But to indicate that we should be back here more than one month after we are scheduled to be here, it seems to me, is a wee bit of a travesty.

If there is a good argument for us not doing what is now being contemplated, it has been this last two weeks. In the standing orders, when we were deliberating on changing them, the last two weeks of each session were designed to put to rest issues which required a little bit more debate. Under the standing orders we provided extra hours to sit, and we sit now from 6 o'clock in the evening until 12 at night almost on a regular basis each session end.

That causes some difficulties. That was exhibited on at least a couple of occasions in this very past two-week period, most recently on today's date, and the reason we had that problem was because we have been rushing to try and finish and to accommodate the completion of several pieces of legislation which popped up on us all of a sudden.

Why does it pop up all of a sudden? It is because the organization of the business is restrained by the fact that we never know when we're coming back. We didn't come back on time in the spring. We never know when we're leaving. We never know when in fact we actually end up having the time available to do the business. I may have made a mistake; it was the previous year that we didn't come back on time. We came back quite late that year, and I apologize for that mistake.

But at each end of a session we end up pushing things through, not because they are unplanned but because we broker everything at the last moment. We recognize that there is reason to do things that are important pieces of public business. Do you know something? We overlook doing some things which ought to be done and could very well have been done had we been pacing ourselves much more precisely to accomplish the public's business as opposed to ending the public sitting.

There are other reasons of course why this government, I suspect, probably doesn't want to be around here for four months: 17 weeks, I think, it all adds up to. One of the things that we probably don't want to be around here for, if I'm a government member, is to be the host/hostess to the inquiries with respect to the Ministry of Housing.

If you were the Minister of Housing, if you were in charge of the Van Lang affair, if you were the minister who was in charge of the flips that are going on with public housing, and there was a need for the opposition parties to get to the root of the evil that has stricken the Ministry of Housing, then you would not want to be here.

Do you know why you don't want to be here for four months? You don't want to be here for four months because that gives you some time to manage and massage the state of affairs to extract the least possible bad news that you can from that terrible, terrible problem that has beset the member for Ottawa Centre.

Why else might you not want to be here for four months? You might not want to be here because the people of the province will see in the next four months that the whole budgetary plan is falling apart, that the jobs which are to be created for my constituents and the constituents of each of us around here are disappearing, that there is not the will to create the jobs which these people have said have been funded through these huge amounts of money that they have put through the consolidated revenue fund to create these meaningful, long-lasting jobs.

You probably also don't want to be here when you find that your projections for payments of interest on the money borrowed have gone through the roof and that your deficit projections have again missed the target. All of those things probably are forcing you as a government member to want out of here and to be away from here for

a long, long time. If you're Premier, why don't you want to be here between June 23 and October 31? You don't want to be here even when this place is in session. You have, as a matter of course, never shown up on a regular basis to answer the questions on the problems which you yourself as Premier have created. You want to escape the public scrutiny that is required of you if you believe in the parliamentary traditions and in the history of this chamber. This is a responsible government system we have, it's a parliamentary government that we have, and it requires Her Majesty's loyal executive council members to be here in the House to account to the people who are elected to serve Her Majesty's citizens.

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It's a difficult job. I've been there. It isn't easy coming in day after day when there are problems which hit you, and if you have a large ministry, those problems can be apparently endless for you. You start off each day wondering what the newspapers will print, what the TVs and the radios will be spilling out into the hinterland and what letters will be attracting the attention of Her Majesty's loyal subjects. And you prepare: In the middle of some of the best debates you can ever have about where the broader public policy is leading you, you have to prepare to answer the questions that should be answered directly.

If I were the Premier and if I had a tired cabinet, and if I were a tired Premier, which is pretty obvious these days, I wouldn't want to be here between June 23 and October 31. If I were a member of the cabinet and thought it was more important for me to be sitting in my office signing letters or doing all those other things that have to be done, I wouldn't want to be here either. It's much easier and it's much nicer to go out and deliver the speeches that have been prepared by dutiful political staff, dutiful press personnel, who have put together the wonderful thoughts you can drop without challenge and without question into the public's lap.

There are all of those reasons for not wanting to be here. But there are other reasons for not wanting to be here as well; that is, as long as this government is not required to be in this place, it pretty much does as it pleases. For a person like me, who has stood here and said on many an occasion that basically this bunch of rascals does pretty much what they please in here anyway because of their use of time allocation and a roughshod running over all the standing orders, it means far less trouble not to have to even debate the issue of removing any interference the standing orders may put in their path.

They can do just about anything they want. They can in fact almost totally ignore, with impunity, any of the advice the public service gives to them with respect to the right way or the wrong way to proceed in an equitable and better public policy fashion, and nobody can question them because there is no forum in which a public debate can be initiated. But while the public debate on many occasions is hardly, I say with respect to my colleagues here, worth listening to a lot of the time because of the constraints placed on us, it is none the less important that the questions at least be laid on the table and put publicly in front of all the people of the province,

through the televisions that cover us, through the reporters who write for the newspapers, through the radio reporters who are over the airwaves and through the television stations that report during newscasts.

It's important that those issues at least be brought out. We can't force an answer, we can't compel that anybody address the problems, but we can identify them. Some of us can do it better than others, but every one of us, when elected, has the right to stand in this place and put those problems out, whether it affects five people in my constituency, five million people in the province of Ontario or all 10 million-plus citizens of this great province. For four months we will not be able to do that. We can write our letters, we can even file our petitions with the Clerk, we can draw up all kinds of press releases, but nothing can substitute for this chamber.

I make great issue with the kids who visit us, or anybody who visits us here in Toronto from home: I tell them not to think of this as any kind of mysterious place. You've heard me say this before, that there is no mystery to what this chamber does. We are all advisers. We advise what our constituents have said to us when we're home. We advise what others have written to us. We advise what we think or feel about the things that are happening around us and we publicize that advice. We offer advice to the government from time to time. Whether or not it's accepted is up to the government, and that's the way our system works. But it is without exception a non-functioning chamber when we cannot have access to its public performances.

Question period: One hour each day when we are sitting, four days a week, when some of us get a chance to put the question that we have no other way of telling our constituents that we tried to put; one hour per day for four days a week.

For most of us, it means we never get a question on. I know there are a number of government members who wish they could get on and cannot. There are people in my caucus who, because we have a process that sets up the first five or six questions of the day—the same thing in the Conservative caucus, they end up having the same process—most of us can't ask the questions we want to deal with because the time escapes us.

For that one hour, we're free to talk about almost anything we want to, unconstrained. I can ask the question about why the Minister of Health, for instance, has stopped covering with OHIP people who are returning from foreign lands, having worked with the Department of National Defence, and have to wait now three months before they're covered, even though those people have paid income tax for the years they have been away from Canada.

How do I get that publicly acknowledged as a big, big problem? People who have taken public service as a serious matter now are welcomed back to Ontario by saying, "You wait three months before we cover you with OHIP." How do you say there is danger in discovering a problem with health in those three months that should be contemplated and faced as part of our public policy deliberations? I can write a letter. I can tell you, it's helpful to speak to the minister because she is an under-

standing individual, but there is nothing like revealing publicly that the issue is being addressed, not just for those two people and their families but for others who likewise will be coming back into this land of ours from having performed public services in other places.

Why, why can't we just come back on September 23? Well, there's another reason, I suspect, and that is that perhaps the Premier, because of the sensitivity of the time and of the problems facing the nation, would prefer not to be here when there is a Quebec election. We have sat through elections that have been held in Saskatchewan, in Alberta, in BC, in PEI and other places. We were even here during the federal election, if I recall correctly. I don't quite understand why we shouldn't be sitting here when our business requires it, because our business is to be here when either our province or our nation is in need of our advice. We should be here. There is no good reason for us to be away from this place for 17 weeks.

Mrs Irene Mathysen (Middlesex): Did you ever leave it?

Mr Elston: I've been away, but I was never away when it required my attendance at the House. I was hardly ever away. If you check, Irene Mathysen, my record of attendance when I was Minister of Health, when things were going tough, I was here. If you want to check when I was Minister of Financial Institutions and things were going difficultly for our party and for us, I was here. I was never away to the extent that your people are wanting to stay away, because I believe in the responsibility of my role here as an elected official and as a member of the executive council.

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Why don't you go home and add up the number of occasions when your Premier has been away from question period? Why don't you go home and add up all the times your Finance minister was away from this place after he delivered his budget? I'll tell you, there are lots of reasons why these people have no desire to be in this place, because the issues of critical importance are unrevealed when this chamber is closed. They have shown by their cavalier attitude towards the standing orders in this place that they could care less about us functioning well as a loyal opposition, and the best way they can make sure we don't get any work done as an opposition is by shutting us down and making sure we don't even come back on time.

Do you know how come I know they are going to get their way on this? They have more people than we have. Since the very first day this House returned, they have had a huge majority and they have put that majority to us at each turn when we requested something reasonable and rational. When we wanted to get to the bottom of a whole series of items which caused concern about the performance of ministers, they used their majority, and they will use their majority again. But I cannot nor will I sit down without saying that again the majority will bring us back October 31, 1994, some month-plus after the calendar that we all agreed on at one point said we should be here.

That's bad. That's bad for the people. It's bad for the government, because it's easy to get lazy and it's easy to get sloppy, and I'll bet you that the ministers will hate to

take their first briefings to get ready for question period.

It is also evidence that there is about to be a cabinet shuffle, without any cause at all, that there is concern in the Premier's office that there have been performers who are not very worthy of retaining their executive council and PA-ships. In some cases, the performance of the people who will be removed from their places has been based upon one particular issue, and I will argue that the performance of those people in all other respects has been relatively good, but their jobs are lost. The reason we will be out of this place for 17 weeks is to allow some time to separate us from the events that will cause those demises of careers and the actual time of the implementation of the new team.

That new team will be brought forward some time probably in July or early August, and there will be ample time between August and October to rebrief, retool the cabinet, and to try and establish enough new faces to allow the Premier to say: "I have taken hold of this bunch. I have a new group and I have a new resolve and I have a new plan." And you know something? If it's really looking good, "I have a new election date." All of that is possible.

Hon Elmer Buchanan (Minister of Agriculture, Food and Rural Affairs): So what is your problem?

Mr Elston: I would have no problem, Minister of Agriculture, if you'd call the election tomorrow. In fact, a lot of people would be quite happy for that.

But there are, and I will say this very seriously, a number of people who will lose their jobs in not many weeks hence across the way. To those people who had the resolve to vote their conscience or to perform in the best manner they thought was possible, and for those people who didn't crumble under the pressure—because we all felt pressure—I say job well done and I'm sorry. I really and truly am sorry, because perhaps those events have more to say about the new democracy than all the violations of the standing orders could possibly say.

Perhaps that separation of several weeks from today of those members who have stood their ground and said their words is the biggest reason we won't come back for several months. Perhaps there's a belief that the passage of time, these several weeks after the new cabinet and new PAs are sworn in, will solve any of the criticism that will be levelled at them. Not from some of us, because we will remember.

Not that any of the people who will lose their jobs need anybody to stand up for them, because it is quite apparent that they have done their own work and have their own strength and have their own character. But we will remember the style of democracy that will force the demise of those individuals. We will remember the type of heavy-handedness which there appears to be no fear in using. We appreciate, for those people who become new members of the cabinet and of the PA group, that you will have several weeks to contemplate your futures in the light of the way that your colleagues have been dealt with. Perhaps that passage of time is to let settle in quite firmly just exactly what the new democracy discipline is all about, and I'm sorry for that.

I'm sorry for Ontario, because while we're away from here the work in the executive council won't stop, the disciplining in your party will not stop, and in fact, behind silent doors, behind those closed doors of your caucuses the real work that is about to take place in the New Democratic Party will occur, and people will be hurt by your dirty work over the summer.

Most of you won't do it, most of you won't even have to put your hands close to any of the stuff that's going to happen to your colleagues. Some of you will silently cheer, some of you will silently cry for the people who had the courage to voice their opinions. If there's anything we should be able to do in this place, it's at least to say what we mean without being savaged for our beliefs.

Mr Randy R. Hope (Chatham-Kent): Always do, Murray.

Mr Elston: Some of you do, some of you have, but the real work in the 17 weeks that is about to take place in this party's history will prove the demise for several years to come of any of the principles you have about freedom of speech and the ability to say what you have to say to support not only your representative colleagues but yourself. Do you think the 17 weeks is going to be enough to silence the critics after we see what happens to the people who've had courage? I think not, but you need it; 17 weeks, I'll tell you, isn't enough.

When Hallowe'en arrives in Ontario and when your devilish work through the 17 weeks is celebrated on Hallowe'en night, you people will not be as smug nor as full of laughter as some of you are this evening, because you will know what work the devil has wrought. I'm not going to be here on October 31. I will be with my family and making sure we have a safe Hallowe'en, so I won't be here to talk about budgets and the other things that are being planned for those days.

But I can tell you that throughout the summer I will be with my people in the riding of Bruce, and I will be telling them about the work that is to be done this summer by the New Democrats. The face-lift that is about to occur will not be enough to salvage your political future as a government. I will be out there to make clear that the disguises you have put on your public fiscal plans will not save you one vote, because they know you've played games with your numbers. They know, in the public, because of work done by the third party, by the Liberal Party, by my leader, Lyn McLeod, that you have been unmasked. Your plans in your new 1994 budget are now being revealed for what they are, and that is, plans for how to take money from pensions, for how to take off line expenditures which used to be acknowledged as public expenditures and a whole series of other—I'll say it—scams that are being authored by this administration.

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I am going to stop at this point. I make myself clear. They have tried systematically to silence us as opposition. They do it by overruling the standing orders. They from time to time will do the most violent time allocation motions you can ever see—namely, in Bill 91. There are all kinds of public policy issues they would have to account for if they were here in the next 17 weeks. They

won't be. I freely admit that I am looking forward to a break, but not to October 31, not to October 17, as was planned, either; to September 23.

Mr Len Wood (Cochrane North): You said it wasn't long enough.

Mr Elston: I'm looking forward to my break at the moment, but I am not looking forward to a break to October 31. We should be back here in September. I believe it, and I will tell my constituents why we are not back here, and I'll make sure they know that we deserve better of the new democracy.

Mr Gary Carr (Oakville South): I'm pleased to add a few comments. I can't believe that when this debate started, the House leader called this session wonderful and accomplished. Those were his words I think that he used, "wonderful" and "accomplished."

Here we sit with a \$90-billion deficit, 500,000 people unemployed—the unemployment rate has virtually doubled—we have 1.2 million people on welfare, the health care system is deteriorating, the education system is deteriorating, and this government calls it wonderful and accomplished.

When I played hockey for a living, we said the three best things about hockey were June and July and August. I can't believe I found a profession that gets more time off than we did playing hockey with having the summer off. We're going to be off July, August, September and October, at a time when we're facing some of the most difficult crises facing this province, with a health care system that's deteriorating, an education system that's deteriorating, 1.2 million people on welfare, 500,000 people on unemployment, and these people are going to be out at barbecues, drinking beer and having hot dogs in their ridings at a time when the people of the province are suffering.

I think the only good thing about this, as I sit and reflect on the closing of this session, is: Number one, the less time we spend in here, the fewer crazy bills this government's going to pass, and that's going to be a good thing. As the session comes to a close, the other thing that I think is going to be important for the people of the province of Ontario is, each time we close the session, we get closer and closer to closing the great socialist experiment in the province of Ontario. I think all members opposite realize what the people of province want is an election, and the next time we hold an election, the government will change and socialism will die in the province of Ontario.

The Acting Speaker: Further questions and comments? The member for Bruce has two minutes in response. No response. Further debate?

Mr Ernie L. Eves (Parry Sound): I am going to keep my remarks brief.

Applause.

Mr Eves: I'm sure members will be delighted to hear that. That's why they're clapping.

Mr Eves: However, I have been known to be provoked on occasion.

Mr Elston: Feel provoked.

Mr Eves: Feel provoked.

I'm a little concerned that a party that fought so hard for a parliamentary calendar, both in opposition and then in government, is now apparently abandoning the parliamentary calendar that they fought so hard for. According to the calendar, as I'm sure everybody is aware, we were supposed to leave here today, which we probably will be doing, and we're supposed to return on September 26. We are now not coming back, when this motion is passed, which we will not be supporting, until October 31. That means that we will be spending 18 weeks—I hate to correct the member for Bruce, but it was in fact 18 weeks that we will be away from the Legislative Assembly of Ontario. For four and a half months this place will not be dealing with the business of the people. I find that somewhat startling.

What's even more startling perhaps to people out there in the public who are not aware is that when we come back, according to the parliamentary calendar, we'll be sitting only five out of six weeks because there is a week off for Remembrance Day, a constituency week. We'll be sitting for five weeks and then we'll be adjourning again for another three or three and a half months. I find that somewhat disconcerting. That tells me perhaps a couple of things. One can only speculate as to why the Premier and the government of the day would want to do that.

Some of the speculation is that perhaps the government has no agenda: They don't have anything else to do on their agenda, so how can they do it? This government has not had a throne speech now in some fairly lengthy period of time. Do they not have any new ideas over there? Do they not have an agenda that they would like to get on with and produce? Are they tired and just going to wait out the rest of this calendar year of 1994 and try to rejuvenate themselves perhaps when an election is called next year at this time?

Another bit of speculation is that perhaps the Premier of the province is giving himself a window of opportunity for a fall election. There has been some speculation that he is waiting to see what happens in the province of Quebec with its provincial election, and if the PQ is successful, perhaps the Premier will be wrapping himself in the Canadian flag and playing to the tune of Captain Canada, "I am the Premier who can save the country." I don't think it will work, if that is in the back of his mind.

Why are we not proroguing? As I've said, this government has not had a throne speech in some considerable period of time. I can only assume that they don't have any new ideas to put forward to the people or that what few ideas they have they're saving for whenever they call the provincial election.

I'm also a little bit concerned about a couple of trends that I have noticed taking place with respect to the government in this session and perhaps the one before it as well. I'm a little concerned that the government of the day, in my opinion, is using private members' bills in place of ministerial bills on several items. I can only assume it is because the minister or the government does not want to take responsibility for doing what governments are elected to do; that is, govern. All decisions are not easy: There's an upside and a downside, and part of

being in government and being a cabinet minister is assuming responsibility for your actions. Don't slough it off to a backbench private member and try to skirt around responsibility.

Hon Mr Charlton: Wouldn't it be wonderful if it was really that machiavellian?

Mr Eves: The government House leader says, "Wouldn't it be wonderful if we were really that machiavellian?" I can think of a couple of instances in this session alone where the government has definitely chosen to proceed by way of private member's bill as opposed to government legislation.

Mrs Margaret Marland (Mississauga South): Bill 21.

Mr Eves: "Bill 21," the member for Mississauga South says. I can think of Bill 116; I can think of Bill 95; I can think of Bill 62. There are all kinds of those pieces of legislation that probably were more properly dealt with up front by the minister involved but for some reason he or she did not want to assume that responsibility so they had a private member do it instead.

I'm also a little bit concerned about the trend that seems to be taking place of not coming up with whatever substantive or fairly substantial pieces of legislation the government has. It seems that they never introduce them early in the session. They've either been away for three and a half or four months, as the case may be, doing nothing, and they wait until the House resumes, in this case I believe it was March 21 we came back—

Hon Mr Charlton: On the calendar date.

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Mr Eves: Right. But as I say, to the government House leader, we were off for three and a half months before that. What were the ministers doing who were preparing Bill 165? What were the ministers doing who were preparing Bills 171, 173, 163? Were they sleeping for three and a half months? Why weren't those pieces of legislation introduced during the week of March 21 or the week of March 28, or the week of April 4, April 11, April 18, April 25, May 2, May 9, May 16? Then we took a week off, and then they decided to get serious about introducing some significant pieces of legislation. They did this in the last session and the session before it.

Interjection.

Mr Eves: The government House leader says, "We were so machiavellian." I think they are exactly that: machiavellian. I think they do this deliberately and on purpose so that the legislation is not out there very long: "It won't be debated very long, we'll deal with it the minimum amount of time and we'll schlep it out to committee. Some of it we won't send to committee at all; we'll bite the bullet, we won't let people talk about it and we'll get rid of it." That seems to be a very disturbing trend that has developed with this government.

Another disturbing trend is the use of time allocation motions. I've given this part of a speech before in this place. I can recall very well when the member for Bruce, the predecessor to the current government House leader—the previous government House leader—and myself were talking about the change in the standing orders.

I can recall very vividly that his predecessor at those meetings said: "Oh, we would only use time allocation about once or twice during a sitting, only one or two significant pieces of legislation. We would never dream of using this as a matter of course."

This government, if my memory serves me correctly, has used time allocation either 16 or 17 times now.

Hon Mr Charlton: And proud of it.

Mr Eves: And they say they're proud of it. If my memory serves me correctly, not that I was always supportive of the previous government, I believe that in some five years the previous government used time allocation about five or six times, in five years. That is also what the previous NDP government House leader told us he would be doing under the new standing orders: "We would never dream of using this more than once or twice a year. It would be stupid politics. It would be committing political suicide. We would become known out there as a dictatorship as opposed to a democracy." That's what he told us. Welcome to dictatorship, I say to the NDP of Ontario, because that apparently is what it's become.

I'm very concerned about delayed introduction of legislation. I know the member for Bruce will concur that we went to House leaders' meeting after House leaders' meeting at the beginning of this session asking for the government's wish list, the things it wanted to accomplish during this session, and week after week the government House leader said: "Not quite ready yet. Should be ready by next week."

This went on for about 10, 11 or 12 weeks in a row, after we'd been off in excess of three months. For the next three months, he tells us he hasn't got his act together yet. This is either an example of gross mismanagement on the part of the government, that it takes it six months, or it is a very machiavellian government deliberately delaying legislation until the very last moment so that people will not have a great deal of time to look at the legislation; they won't have a great deal of time to criticize the legislation. We won't have a great deal of time as opposition members to review it and send it out for committee.

I look at Bill 91, which was just passed here today, a very, very controversial piece of legislation, one that I would think anybody who knows anything about rural Ontario, about ridings like mine and tens of them like mine across the province—if my riding is any indication at all of what rural Ontario and the agricultural community think of Bill 91, believe me, you owed it to the people of rural Ontario and in the agricultural community to hold public hearings across the province when you're now going to be off for four and a half months. You can't find time in four and a half months for three or four weeks to hear the concerns of the agricultural community across the province of Ontario?

The reality is the government didn't want to put itself through that, because they knew there would be a great deal of opposition to this bill in rural Ontario. They knew that there would be a great deal of opposition to this bill in the agricultural community, and they chose to cut off any deliberation with respect to Bill 91 whatsoever. And

that's but one example. Does the government have an agenda? If it does, where is it? Is it sitting on it like an egg, waiting for it to hatch? Are they waiting for somebody to come up with a brilliant idea? Does David Agnew only have six brilliant ideas left in his bag of tricks, and he's saving them all for whenever they decide to call the next election? Those are questions one has to ask oneself when we look at the amount of time we've spent in here lately, the amount of time we've had off, the amount of time we're going to spend—five weeks—when we come back, and then we'll be off for another three and a half months. It doesn't make any sense.

I think the member for Bruce raised some valid queries when he said, is the Premier not satisfied with his current government? Is he not satisfied with his current cabinet? Is he going to use this four and a half months to make changes, to put a new face on his government, hoping that somehow this will be able to reverse or rejuvenate the sagging fortunes of the New Democratic Party of Ontario?

I personally don't think the Premier will be silly enough to call a provincial election when he's at 15% in the polls. I find that very difficult to believe. But I would say one thing to the Premier: I don't care whether he decides to go to the people this fall, next spring, next summer, or, for the ultimate insult to the people of Ontario, to wait till September 1995. But I can assure him of one thing: His fortunes won't be much better when he does decide to go than they are right now.

Mr Charles Harnick (Willowdale): One of the things no one has really commented on is how difficult this is going to be for the members of this Legislature to explain to their constituents, why we're going to be doing nothing for the next four and a half months—

Interjections.

The Acting Speaker: Order.

Mr Harnick: —why this government has nothing to do and no agenda to project. Let me tell you—

Interjections.

The Acting Speaker: Order. I realize it's late in the evening and tempers are short; however, the member for Willowdale has the floor.

Mr Harnick: Let me tell you, Mr Speaker, that there is a bill before the Legislature called the Limitations Act. This bill had first reading almost two years ago, but I'm getting phone calls from the Ontario Association of Architects saying: "The government said they were going to push this bill through. We want this bill. Why is this bill not coming through?" Now I have to explain to them that the government's so busy that they're taking a four-and-a-half-month holiday, and this bill is going to sit on the shelf probably for another year, and then next November we're going to come here and the Attorney General's going to say: "I gotta have this bill right now. We're going to have to sit around the clock to get this bill. We're just going to have to bring in closure and ram it right through."

This is a bill that everybody's waiting for. If everybody's waiting for the bill, why are you going on vacation? Why don't you do it? You're all leaving. I don't

know where you're going to go for four and a half months. You don't have time to let the farmers of this province comment on Bill 91, because you're all going to be on vacation, doing nothing. I can tell you, maybe that's the only thing that's going to improve your fortunes, if you go and you hide, because every time you do anything, you screw it up anyhow.

2250

Mrs Marland: I think there must be some significance in the fact that when this House returns, it is Hallowe'en. I'm quite sure that some of the government members will be able to spend time, perhaps, even sewing their costumes. I would like to assure, however, my constituents in Mississauga South that I will be working very hard for them in the riding for the next four and a half months and that is an opportunity this recess gives me. However, my preference on behalf of my constituents would be that we would be in this House dealing with legislation that would remedy the problems the constituents in Mississauga South face.

Frankly, I think the government that has to recess for this amount of time simply confirms something we always have known for the last four years, that it doesn't know what it's doing, it's totally out of control. If they were well managed, they would be bringing legislation forth that the people of Ontario have been asking for for their whole term of office thus far. There are many pieces of legislation that need to be drafted to address and provide remedies for problems in this province.

I feel it's regrettable that this government feels it can run and hide. Mind you, if I was the Minister of Housing, for example, I would want to run and hide. She can't endure any more question periods. The one good thing about not coming in the House every day is that there are no more question periods, so there are no more checks and balances for the opposition in order to make the government accountable. However, we will make you accountable in other ways. The people of Ontario will make you very accountable at the next election.

The Acting Speaker: Thank you, to the honourable member. The time has elapsed.

Further questions and/or comments? The member for Parry Sound has two minutes in summation. No summation. Further debate? The government House leader summing up?

The government House leader has moved that this House stand adjourned until the 31st day of October, 1994. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Hon Mr Charlton: You might notice that I'm wearing a Frank Miller button this evening. That's because any old Tory is better than the crowd here tonight.

Mr Chris Stockwell (Etobicoke West): We'd tell the same joke, but we can't find an old Dipper.

The Acting Speaker: Order.

Hon Mr Charlton: I have a number of motions here that I had intended to move, but the member for Mississauga South suggests that the Minister of Housing should run away and hide, so perhaps I shouldn't move the motion that will move the Minister of Housing into committee for an inquiry around those issues.

The member for Willowdale says the government members are all going on vacation for four months, so perhaps I shouldn't move the committee motion to allow the committees to continue the work of this Legislature.

Mr Stockwell: On a point of order, Mr Speaker: He's just supposed to be introducing these. There's not supposed to be a speech involved. I don't think they're supposed to be provocative.

The Acting Speaker: That's not a point of order.

Mr Stockwell: If you could ask him to move it, I'd appreciate it.

The Acting Speaker: Order.

COMMITTEE REPORTS

Hon Brian A. Charlton (Government House Leader): I move that the committees be authorized to release their reports during the summer adjournment by depositing a copy of any report with the Clerk of the assembly, and upon the resumption of the meetings of the House, the Chairs of such committees shall bring any such reports before the House in accordance with the standing orders.

The Acting Speaker (Mr Noble Villeneuve): Is it the pleasure of the House that the motion carry? Carried.

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Hon Brian A. Charlton (Government House Leader): I move that the standing committee on the Legislative Assembly be authorized to meet to conduct an investigation into allegations of breach of the conflict-of-interest guidelines made against the Minister of Housing in connection with her attendance at a meeting with the board of the Van Lang Centre in Ottawa on Friday, June 17, 1994, as follows:

The committee shall commence public hearings on the matter on August 8, 1994, and shall conclude such hearings no later than August 11, 1994, and shall meet from August 15 until August 18, 1994, for the purpose of writing a report on the matter and that with the agreement of the House leader of each recognized party the dates specified may be amended;

The committee may, through a Speaker's warrant, compel any person to attend before it to give evidence under oath and to produce any documents required; Witnesses may be represented by counsel if they choose;

The subcommittee shall be authorized to retain and direct legal counsel;

The subcommittee shall meet to determine organizational matters by unanimous agreement at least two weeks prior to August 8, 1994. In the absence of unanimous agreement of the subcommittee, such matters shall be referred to the House leaders to be determined;

The committee may not inquire into the merits of any

proceeding currently pending in any court or comment in its report on the guilt, innocence or liability of any party.

The Acting Speaker (Mr Noble Villeneuve): Is it the pleasure of the House that the motion carry? Carried.

COMMITTEE MEETINGS

Hon Brian A. Charlton (Government House Leader): I move that the following committees be authorized to meet during the summer adjournment in accordance with the schedule of meeting dates agreed to by the three party House leaders and tabled with the Clerk of the assembly to examine and inquire into the following matters:

Standing committee on administration of justice for three weeks of public hearings and one week of clause-by-clause consideration of Bill 163, An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes related to planning and municipal matters;

Standing committee on estimates for one week to consider the estimates of certain ministries;

Standing committee on general government for three weeks of public hearings and one week of clause-by-clause consideration of Bill 171, An Act to revise the Crown Timber Act to provide for the sustainability of Crown Forests in Ontario;

Standing committee on government agencies for two days each month that the House does not meet to consider intended appointments as provided in its terms of reference and for two weeks to consider the operation of the Ontario Council of Regents and the St Lawrence Parks Commission;

Standing committee on public accounts for two weeks to consider matters as agreed to by the committee at its meeting of June 23, 1994;

Subcommittee of the standing committee on public accounts to adjourn to Charlottetown, Prince Edward Island, to attend the annual meeting of the Canadian Council of Public Accounts Committees;

Standing committee on resources development for three weeks of public hearings and one week of clause-by-clause consideration of Bill 165, An Act to amend the Workers' Compensation Act and the Occupational Health and Safety Act;

Standing committee on social development for three weeks of public hearings and one week of clause-by-clause consideration of Bill 173, An Act respecting Long-Term Care;

And that with the agreement of the House leaders of each recognized party, the time allotted and matters specified for consideration by the committees may be amended.

The Acting Speaker (Mr Noble Villeneuve): Is it the pleasure of the House that the motion carry? Carried.

2300

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I should have raised this point of order when I had an opportunity a few minutes ago and I apologize for doing it now.

When we recess, I always feel that there are staff in this building whom we need to express our appreciation for. They are staff we take for granted every day. I speak of our protective police officers, men and women, who in all of the buildings and at times of demonstrations etc have a tremendous responsibility in protecting us as members, our staff and the public. On behalf of all of us, I would like to thank them for the job they do.

The Acting Speaker: It is not a point of order, but an excellent point.

Hon Mr Charlton: I would like to seek the consent of the House for a few moments to make a few comments about the member for St Andrew-St Patrick, who is departing and has so announced.

The Acting Speaker: Do we have unanimous consent? Agreed.

MEMBER FOR ST ANDREW-ST PATRICK

Hon Brian A. Charlton (Government House Leader): As members may know, Zanana Akande, the member for St Andrew-St Patrick, is leaving us. She is, as I understand it, returning to her old profession in the educational field, as a teacher and superintendent to one of the boards.

In any event, a few comments about her time here: Zanana is one who brought to this House, and I think to a number of issues that have confronted us here in the Legislature, a great deal of strength and focus and emotional determination to proceed to deal with what, from her perspective and the community she represented, were a number of very serious and long-standing wrongs that affected people in a number of racial communities in this province in a variety of different but usually negative ways.

She brought a great deal of determination and a great deal of zeal to her fight around some of those issues. From time to time, some members have found her level of emotion, in terms of her participation here, difficult to deal with, but it was a reflection of the real depth of feeling she brought to the issues she found some concern about.

For my part and for the part of my colleagues, all of whom have had an opportunity to work with Zanana in one way or another, in one of the committees or on youth jobs programs or a number of other things that she's been involved in, we will miss her presence here. We will miss the way that she was able, both in the House and in our caucus meetings and elsewhere, to applaud us when we moved forward and to sometimes chide us when we were reluctant to move. We will miss that part of what she brought to our process. Hopefully we will find the depth within ourselves to continue to move forward on some of the things that she won't be here to push us on. We will also miss the sense of humour that she brought to many of our discussions, both in caucus and here in the House.

I wish to express our hope that Zanana will have a very successful new career, or new career, however we want to look at that. But we will very sincerely miss her and we wish her well.

Mr Alvin Curling (Scarborough North): I too would like to add my words of appreciation for a colleague in

the House whose experience I can identify with in some respect, who came to this House without any legislative experience, into this arena, which is quite intimidating. I saw her with such confidence, boldness and effectiveness that it was almost sometimes an envy of mine, because I know how intimidating this place could be when I arrived in this House.

Mrs Elinor Caplan (Orlivo): You turned grey.

Mr Curling: As the member says, she can recall that my hair was very much black at that time, and all this light comes forward.

Zanana maintained her posture, her dignity and carried forward. She went through some rather challenging times too as a minister, as an individual and in her personal life, actually. She went through this very challenging time but she held her head high. Her family is one of great distinction and we in the community always admire her, very much so.

Zanana serves on committee with me and we often end in some rather exercised debate in a manner that I came to examine myself much closer because of her. I saw her in the community and how she carries herself, and the respect that she gets from that community too is something that will last her for ever.

I know too that when she told she was returning to teaching, she said to me, "Of course, I will continue to contribute in making sure that the laws of this province can be in a way that reflect and encompass all of us." She's a good person, a good Ontarian, a great Canadian.

I can't say I will miss her in that form in the sense that she won't be in the House, because her presence will be always here in some of her contributions as a member. Also, the House leader stated that we will of course continue with some of the things that she had started.

I want to say that she has been just a wonderful friend too, and the community welcomes her in her new role.

The Acting Speaker (Mr Noble Villeneuve): Further tribute?

Mrs Margaret Marland (Mississauga South): I too count it a privilege to rise on behalf of our caucus and join in saying farewell to Zanana Akande. Zanana has had a very strong presence in this House. Although obviously in our caucus we haven't had the privilege of knowing her on a close personal basis, as her caucus colleagues have had, we certainly have always recognized

that she is a very bright, articulate and capable woman.

She also is someone who all of us have been impressed with in terms of her personal commitment. She is in my opinion a woman of grace and a woman with style. I feel that the way in which she carried her personal bereavement, the terrible loss of her beloved husband, is an example for all of us when we are faced with similar losses of a personal nature in our lives. It is very, very difficult when people are in public life to cope with such an experience in their personal life, and that again speaks volumes of Zanana Akande as an individual human being.

Frankly, I think that her decision, while it is the loss of this House, this place and all of us as colleagues, as we are, regardless of party—when the end comes, we are colleagues together in this place. When we set aside our political differences and the duties and roles that each one of us has to assume in this room, in this chamber, we then look to what really matters.

When I see the decision that Zanana Akande has made to leave this public life and go back into teaching, and probably I'm sure, very soon if not immediately, into administration of a school again as a principal, I think the beneficiaries are definitely going to be those students and those staff who will be privileged to work with her and learn under her direction. As she has left her mark in her public service in this place, she will indeed leave her mark as an influence on the most important resource to the future of this province and this country, namely, our children while they are learning.

We send her on her way with our very best wishes.

The Acting Speaker: Any further business?

Hon Mr Charlton: I move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

It now being past 11 of the clock, may I wish all colleagues in the Legislature a happy and safe summer and early fall.

This House stands adjourned until October 31, 1994.

The House adjourned at 2311.

**LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor/Lieutenant-gouverneur: Lt Col The Hon/L'hon Henry N.R. Jackman CM, KSJ, BA, LLB, LLD

Speaker/Président: Hon/L'hon David Warner

Clerk/Greffier: Claude L. DesRosiers

Senior Clerk Assistant and Clerk of Journals/Greffier adjoint principal et Greffier des journaux: Alex D. McFedries

Clerk Assistant and Clerk of Committees/Greffière adjointe et Greffière des comités: Deborah Deller

Sergeant at Arms/Sergent d'armes: Thomas Stelling

Member/Député(e)	Constituency/Circonscription	Party/Parti	Other responsibilities/Autres responsabilités
Abel, Donald	Wentworth North/-Nord	ND	government whip / whip du gouvernement
Akande, Zanana L.	St Andrew-St Patrick	ND	parliamentary assistant to the Premier / adjointe parlementaire du premier ministre
Allen, Hon/L'hon Richard	Hamilton West/-Ouest	ND	Minister without Portfolio, Ministry of Economic Development and Trade / ministre sans portefeuille, ministère du Développement économique et du Commerce
Arnott, Ted	Wellington	PC	Vice-Chair, standing committee on estimates / Vice-Président du Comité permanent des budgets des dépenses
Beer, Charles	York-Mackenzie	L	Chair, standing committee on social development / Président du Comité permanent des affaires sociales
Bisson, Gilles	Cochrane South/-Sud	ND	parliamentary assistant to Minister of Northern Development and Mines, parliamentary assistant to minister responsible for francophone affairs / adjoint parlementaire de la ministre du Développement du Nord et des Mines, adjoint parlementaire du ministre délégué aux Affaires francophones
Boyd, Hon/L'hon Marion	London Centre/-Centre	ND	Attorney General, minister responsible for women's issues / procureure générale, ministre déléguée à la Condition féminine
Bradley, James J.	St Catharines	L	opposition deputy House leader / chef parlementaire adjoint de l'opposition
Brown, Michael A.	Algoma-Manitoulin	L	Chair, standing committee on general government / Président du Comité permanent des affaires gouvernementales
Buchanan, Hon/L'hon Elmer	Hastings-Peterborough	ND	Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Callahan, Robert V.	Brampton South/-Sud	L	
Caplan, Elinor	Oriole	L	
Carr, Gary	Oakville South/-Sud	PC	Progressive Conservative deputy House leader / chef parlementaire adjoint du Parti progressiste-conservateur
Carter, Jenny	Peterborough	ND	parliamentary assistant to Minister of Citizenship / adjointe parlementaire de la ministre des Affaires civiques
Charlton, Hon/L'hon Brian A.	Hamilton Mountain	ND	Chair of the Management Board of Cabinet, government House leader and minister responsible for the automobile insurance review / président du Conseil de gestion, leader parlementaire du gouvernement et délégué à l'Assurance-automobile
Chiarelli, Robert	Ottawa West/-Ouest	L	
Christopherson, Hon/L'hon David	Hamilton Centre/-Centre	ND	Solicitor General and Minister of Correctional Services / solliciteur général et ministre des Services correctionnels
Churley, Hon/L'hon Marilyn	Riverdale	ND	Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
Cleary, John C.	Cornwall	L	
Conway, Sean G.	Renfrew North/-Nord	L	Deputy Leader of the Opposition / chef adjoint de l'opposition
Cooke, Hon/L'hon David S.	Windsor-Riverside	ND	Minister of Education and Training, minister responsible for the Ontario Training and Adjustment Board / ministre de l'Éducation et de la Formation, ministre responsable du Conseil ontarien de formation et d'adaptation de la main-d'œuvre

Member/Député(e)	Constituency/Circonscription	Party/Parti	Other responsibilities/Autres responsabilités
Cooper, Mike	Kitchener-Wilmot	ND	parliamentary assistant to Minister of Labour; Vice-Chair, standing committee on resources development / adjoint parlementaire du ministre du Travail, Vice-Président du Comité permanent du développement des ressources
Coppen, Hon/L'hon Shirley	Niagara South/-Sud	ND	Minister without Portfolio, Ministry of Culture, Tourism and Recreation / ministre sans portefeuille, ministère de la Culture, du Tourisme et des Loisirs
Cordiano, Joseph	Lawrence	L	Chair, standing committee on public accounts / Président du Comité permanent des comptes publics
Cousens, W. Donald	Markham	PC	
Crozier, Bruce	Essex South/-Sud	L	
Cunningham, Dianne	London North/-Nord	PC	
Curling, Alvin	Scarborough North/-Nord	L	opposition deputy whip / whip adjoint de l'opposition
Dadamo, George	Windsor-Sandwich	ND	parliamentary assistant to Minister of Transportation / adjoint parlementaire du ministre des Transports
Daigeler, Hans	Nepean	L	Vice-Chair, standing committee on general government / Vice-Président du Comité permanent des affaires gouvernementales
Duignan, Noel	Halton North/-Nord	ND	parliamentary assistant to Minister of Consumer and Commercial Relations / adjoint parlementaire de la ministre de la Consommation et du Commerce
Eddy, Ron	Brant-Haldimand	L	Vice-Chair, standing committee on social development / Vice-Président du Comité permanent des affaires sociales
Elston, Murray J.	Bruce	L	opposition House leader / chef parlementaire de l'opposition
Eves, Ernie L.	Parry Sound	PC	Progressive Conservative House leader / chef parlementaire du Parti progressiste-conservateur
Farnan, Hon/L'hon Mike	Cambridge	ND	Minister without Portfolio, Ministry of Education and Training / ministre sans portefeuille, ministère de l'Éducation et de la Formation
Fawcett, Joan M.	Northumberland	L	
Ferguson, Will	Kitchener	ND	
Fletcher, Derek	Guelph	ND	parliamentary assistant to Minister of Citizenship / adjoint parlementaire de la ministre des Affaires civiques
Frankford, Robert	Scarborough East/-Est	ND	
Gigantes, Hon/L'hon Evelyn	Ottawa Centre/-Centre	ND	Minister of Housing / ministre du Logement
Grandmaître, Bernard	Ottawa East/-Est	L	
Grier, Hon/L'hon Ruth	Etobicoke-Lakeshore	ND	Minister of Health / ministre de la Santé
Haeck, Christel	St Catharines-Brock	ND	government whip; Chair, standing committee on regulations and private bills / whip du gouvernement, Présidente du Comité permanent des règlements et des projets de loi privés
Hampton, Hon/L'hon Howard	Rainy River	ND	Minister of Natural Resources / ministre des Richesses naturelles
Hansen, Ron	Lincoln	ND	Chair, standing committee on the Legislative Assembly / Président du Comité permanent de l'Assemblée législative
Harnick, Charles	Willowdale	PC	
Harrington, Margaret H.	Niagara Falls	ND	First Deputy Chair of the Committee of the Whole House; Vice-Chair, standing committee on administration of justice / Premier Vice-Présidente du Comité plénier de l'Assemblée législative, Vice-Présidente du Comité permanent de l'administration de la justice
Harris, Michael D.	Nipissing	PC	leader of the Progressive Conservative Party / chef du Parti progressiste-conservateur
Haslam, Karen	Perth	ND	

Member/Député(e)	Constituency/Circonscription	Party/Parti	Other responsibilities/Autres responsabilités
Hayes, Pat	Essex-Kent	ND	parliamentary assistant to Minister of Municipal Affairs / adjoint parlementaire du ministre des Affaires municipales
Henderson, D. James	Etobicoke-Humber	L	
Hodgson, Chris	Victoria-Haliburton	PC	
Hope, Randy R.	Chatham-Kent	ND	parliamentary assistant to Minister of Community and Social Services / adjoint parlementaire du ministre des Services sociaux et communautaires
Huget, Bob	Sarnia	ND	government whip; parliamentary assistant to Minister of Environment and Energy; Chair, standing committee on resources development / whip du gouvernement; adjoint parlementaire du ministre de l'Environnement et de l'Énergie, Président du Comité permanent du développement des ressources
Jackson, Cameron	Burlington South/-Sud	PC	Chair, standing committee on estimates / Président du Comité permanent des budgets des dépenses
Jamison, Norm	Norfolk	ND	parliamentary assistant to Minister of Economic Development and Trade / adjoint parlementaire de la ministre du Développement économique et du Commerce
Johnson, David	Don Mills	PC	
Johnson, Paul R.	Prince Edward- Lennox-South Hastings / Prince Edward-Lennox- Hastings-Sud	ND	parliamentary assistant to Minister of Economic Development and Trade; Chair, standing committee on finance and economic affairs / adjoint parlementaire de la ministre du Développement économique et du Commerce, Président du Comité permanent des finances et des affaires économiques
Jordan, Leo	Lanark-Renfrew	PC	
Klopp, Paul	Huron	ND	government whip; parliamentary assistant to Minister of Agriculture, Food and Rural Affairs / whip du gouvernement, adjoint parlementaire du ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Kormos, Peter	Welland-Thorold	ND	
Kwinter, Monte	Wilson Heights	L	
Lankin, Hon/L'hon Frances	Beaches-Woodbine	ND	Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Laughren, Hon/L'hon Floyd	Nickel Belt	ND	Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Lessard, Wayne	Windsor-Walkerville	ND	parliamentary assistant to Minister of Environment and Energy / adjoint parlementaire du ministre de l'Environnement et de l'Énergie
Mackenzie, Hon/L'hon Bob	Hamilton East/-Est	ND	Minister of Labour / ministre du Travail
MacKinnon, Ellen	Lambton	ND	Vice-Chair, standing committee on regulations and private bills / Vice-Présidente du Comité permanent des règlements et des projets de loi privés
Mahoney, Steven W.	Mississauga West/-Ouest	L	opposition chief whip / whip en chef de l'opposition
Malkowski, Gary	York East/-Est	ND	parliamentary assistant to Minister of Education and Training / adjoint parlementaire du ministre de l'Éducation et de la Formation
Mammoliti, George	Yorkview	ND	parliamentary assistant to Solicitor General and Minister of Correctional Services / adjoint parlementaire du solliciteur général et ministre des Services correctionnels
Marchese, Rosario	Fort York	ND	parliamentary assistant to the Premier; parliamentary assistant to Minister of Intergovernmental Affairs; Chair, standing committee on administration of justice / adjoint parlementaire du premier ministre, adjoint parlementaire du ministre des Affaires intergouvernementales, Président du Comité permanent de l'administration de la justice
Marland, Margaret	Mississauga South/-Sud	PC	Chair, standing committee on government agencies / Présidente du Comité permanent des organismes gouvernementaux
Martel, Hon/L'hon Shelley	Sudbury East/-Est	ND	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines

Member/Député(e)	Constituency/Circonscription	Party/Parti	Other responsibilities/Autres responsabilités
Martin, Tony	Sault Ste Marie / Sault-Sainte-Marie	ND	parliamentary assistant to Minister of Education and Training / adjoint parlementaire du ministre de l'Éducation et de la Formation
Mathysen, Irene	Middlesex	ND	parliamentary assistant to Minister of Environment and Energy / adjointe parlementaire du ministre de l'Environnement et de l'Énergie
McClelland, Carman	Brampton North/-Nord	L	
McGuinty, Dalton	Ottawa South/-Sud	L	
McLean, Allan K.	Simcoe East/-Est	PC	Vice-Chair, standing committee on government agencies / Vice-Président du Comité permanent des organismes gouvernementaux
McLeod, Lyn	Fort William	L	Leader of the Opposition / chef de l'opposition
Miclash, Frank	Kenora	L	opposition deputy whip / whip adjoint de l'opposition
Mills, Gordon	Durham East/-Est	ND	parliamentary assistant to Solicitor General and Minister of Correctional Services / adjoint parlementaire du solliciteur général et ministre des Services correctionnels
Morin, Gilles E.	Carleton East/-Est	L	Deputy Speaker and Chair of the Committee of the Whole House / Vice-Président de la Chambre et Président du Comité plénier de l'Assemblée législative
Morrow, Mark	Wentworth East/-Est	ND	
Murdoch, Bill	Grey-Owen Sound	PC	
Murdock, Sharon	Sudbury	ND	parliamentary assistant to Minister of Labour / adjointe parlementaire du ministre du Travail
Murphy, Tim	St George-St David	L	
North, Peter	Elgin	Ind	
O'Connor, Larry	Durham-York	ND	parliamentary assistant to Minister of Health / adjoint parlementaire de la ministre de la Santé
O'Neil, Hugh	Quinte	L	
O'Neill, Yvonne	Ottawa-Rideau	L	
Offer, Steven	Mississauga North/-Nord	L	
Owens, Stephen	Scarborough Centre/-Centre	ND	parliamentary assistant to Minister of Finance / adjoint parlementaire du ministre des Finances
Perruzza, Anthony	Downsview	ND	parliamentary assistant to Chair of the Management Board of Cabinet / adjoint parlementaire du président du Conseil de gestion
Philip, Hon/L'hon Ed	Etobicoke-Rexdale	ND	Minister of Municipal Affairs, minister responsible for the office for the greater Toronto area / ministre des Affaires municipales, ministre responsable du Bureau de la région du grand Toronto
Phillips, Gerry	Scarborough-Agincourt	L	
Pilkey, Hon/L'hon Allan	Oshawa	ND	Minister without Portfolio, Ministry of Municipal Affairs / ministre sans portefeuille, ministère des Affaires municipales
Poirier, Jean	Prescott and Russell / Prescott et Russell	L	
Poole, Dianne	Eglinton	L	Vice-Chair, standing committee on public accounts / Vice-Présidente du Comité permanent des comptes publics
Pouliot, Hon/L'hon Gilles	Lake Nipigon / Lac-Nipigon	ND	Minister of Transportation, minister responsible for francophone affairs / ministre des Transports, ministre délégué aux Affaires francophones
Rae, Hon/L'hon Bob	York South/-Sud	ND	Premier, President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre, président du Conseil exécutif, ministre des Affaires gouvernementales
Ramsay, David	Timiskaming	L	
Rizzo, Tony	Oakwood	ND	Chair, standing committee on the Ombudsman / Président du Comité permanent de l'ombudsman
Runciman, Robert W.	Leeds-Grenville	PC	Progressive Conservative chief whip / whip en chef du Parti progressiste-conservateur
Ruprecht, Tony	Parkdale	L	
Silipo, Hon/L'hon Tony	Dovercourt	ND	Minister of Community and Social Services / ministre des Services sociaux et communautaires

Member/Député(e)	Constituency/Circonscription	Party/Parti	Other responsibilities/Autres responsabilités
Sola, John	Mississauga East/-Est	Ind	
Sorbara, Gregory S.	York Centre/-Centre	L	
Sterling, Norman W.	Carleton	PC	
Stockwell, Chris	Etobicoke West/-Ouest	PC	
Sullivan, Barbara	Halton Centre/-Centre	L	
Sutherland, Kimble	Oxford	ND	parliamentary assistant to Minister of Finance / adjoint parlementaire du ministre des Finances
Swarbrick, Hon/L'hon Anne	Scarborough West/-Ouest	ND	Minister of Culture, Tourism and Recreation / ministre de la Culture, du Tourisme et des Loisirs
Tilson, David	Dufferin-Peel	PC	
Turnbull, David	York Mills	PC	Progressive Conservative deputy whip / whip adjoint du Parti progressiste-conservateur
Villeneuve, Noble	S-D-G & East Grenville S-D-G & Grenville-Est	PC	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative
Ward, Hon/L'hon Brad	Brantford	ND	Minister without Portfolio, Ministry of Finance / ministre sans portefeuille, ministère des Finances
Wark-Martyn, Hon/L'hon Shelley	Port Arthur	ND	Minister without Portfolio, Ministry of Health / ministre sans portefeuille, ministère de la Santé
Warner, Hon/L'hon David	Scarborough-Ellesmere	ND	Speaker / Président
Waters, Daniel	Muskoka-Georgian Bay	ND	parliamentary assistant to Minister of Culture, Tourism and Recreation / adjoint parlementaire de la ministre de la Culture, du Tourisme et des Loisirs
Wessenger, Paul	Simcoe Centre/-Centre	ND	parliamentary assistant to Minister of Health; Vice-Chair, standing committee on the Legislative Assembly / adjoint parlementaire de la ministre de la Santé, Vice-Président du Comité permanent de l'Assemblée législative
White, Drummond	Durham Centre/-Centre	ND	parliamentary assistant to Minister of Municipal Affairs / adjoint parlementaire du ministre des Affaires municipales
Wildman, Hon/L'hon Bud	Algoma	ND	Minister of Environment and Energy, minister responsible for native affairs / ministre de l'Environnement et de l'Énergie, ministre délégué aux Affaires autochtones
Wilson, Hon/L'hon Fred	Frontenac-Addington	ND	Minister without Portfolio and chief government whip / ministre sans portefeuille et whip en chef du gouvernement
Wilson, Gary	Kingston and The Islands / Kingston et Les Îles	ND	parliamentary assistant to Minister of Housing; Vice-Chair, standing committee on the Ombudsman / adjoint parlementaire de la ministre de Logement, Vice-Président du Comité permanent de l'ombudsman
Wilson, Jim	Simcoe West/-Ouest	PC	
Wininger, David	London South/-Sud	ND	
Wiseman, Jim	Durham West/-Ouest	ND	parliamentary assistant to Chair of the Management Board of Cabinet; Vice-Chair, standing committee on finance and economic affairs / adjoint parlementaire du président du Conseil de gestion, Vice-Président du Comité permanent des finances et des affaires économiques
Witmer, Elizabeth	Waterloo North/-Nord	PC	
Wood, Len	Cochrane North/-Nord	ND	parliamentary assistant to Minister of Natural Resources / adjoint parlementaire du ministre des Richesses naturelles
Ziembra, Hon/L'hon Elaine	High Park-Swansea	ND	Minister of Citizenship, minister responsible for human rights, disability issues, seniors' issues and race relations / ministre des Affaires civiques, ministre déléguée aux Droits de la personne, aux Affaires des personnes handicapées, aux Affaires des personnes âgées et aux Relations interraciales

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

Administration of justice/Administration de la justice

Chair/Président: Rosario Marchese
Vice-Chair/Vice-Présidente: Margaret H. Harrington
Gilles Bisson, Robert Chiarelli, Alvin Curling,
Christel Haeck, Charles Harnick, Gary Malkowski,
Tim Murphy, David Tilson, Gary Wilson, David Winninger
Clerk/Greffière: Donna Bryce

Estimates/Budgets des dépenses

Chair/Président: Cameron Jackson
Vice-Chair/Vice-Président: Ted Arnott
Donald Abel, Gary Carr, Noel Duignan, Murray J. Elston,
Derek Fletcher, Pat Hayes, Wayne Lessard,
Steven W. Mahoney, David Ramsay, Jim Wiseman
Clerk/Greffière: Tonia Grannum

Finance and economic affairs/

Finances et affaires économiques

Chair/Président: Paul R. Johnson
Vice-Chair/Vice-Président: Jim Wiseman
Elinor Caplan, Gary Carr, Karen Haslam,
David Johnson, Norm Jamison, Monte Kwinter,
Wayne Lessard, Irene Mathysen, Gerry Phillips,
Kimble Sutherland
Clerk/Greffière: Lynn Mellor

General government/Affaires gouvernementales

Chair/Président: Michael A. Brown
Vice-Chair/Vice-Président: Hans Daigeler
Ted Arnott, George Dadamo, Bernard Grandmaître,
David Johnson, George Mammoliti, Gordon Mills,
Mark Morrow, Gregory S. Sorbara, Paul Wessenger,
Drummond White
Clerk/Greffier: Franco Carrozza

Government agencies/Organismes gouvernementaux

Chair/Présidente: Margaret Marland
Vice-Chair/Vice-Président: Allan K. McLean
James J. Bradley, Jenny Carter, John C. Cleary,
Alvin Curling, Will Ferguson, Robert Frankford,
Margaret H. Harrington, Gary Malkowski, Daniel Waters,
Elizabeth Witmer
Clerk/Greffière: Lynn Mellor

Legislative Assembly/Assemblée législative

Chair/Président: Ron Hansen
Vice-Chair/Vice-Président: Paul Wessenger
George Dadamo, Paul R. Johnson, Ellen MacKinnon,
Irene Mathysen, Carman McClelland, Gilles E. Morin,
Norman W. Sterling, Barbara Sullivan, Kimble Sutherland,
Noble Villeneuve
Clerk/Greffière: Lisa Freedman

Ombudsman

Chair/Président: Tony Rizzo
Vice-Chair/Vice-Président: Gary Wilson
Donald Abel, Mike Cooper, Karen Haslam,
D. James Henderson, Tony Martin, Frank Miclash,
Bill Murdoch, David Ramsay, Chris Stockwell, Len Wood
Clerk/Greffier: Todd Decker

Public accounts/Comptes publics

Chair/Président: Joseph Cordiano
Vice-Chair/Vice-Présidente: Dianne Poole
Gilles Bisson, Robert V. Callahan, Bruce Crozier,
Robert Frankford, Rosario Marchese, Margaret Marland,
Larry O'Connor, Stephen Owens, Anthony Perruzza,
David Tilson
Clerk/Greffier: Todd Decker

Regulations and private bills/

Règlements et projets de loi privés

Chair/Présidente: Christel Haeck
Vice-Chair/Vice-Présidente: Ellen MacKinnon
Ron Eddy, Derek Fletcher, Ron Hansen, Pat Hayes,
Chris Hodgson, Leo Jordan, Gordon Mills, Hugh O'Neil,
Anthony Perruzza, Tony Ruprecht
Clerk/Greffière: Tonia Grannum

Resources development/Développement des ressources

Chair/Président: Bob Huget
Vice-Chair/Vice-Président: Mike Cooper
Sean G. Conway, Joan M. Fawcett, Will Ferguson,
Leo Jordan, Paul Klopp, Sharon Murdock, Steven Offer,
David Turnbull, Daniel Waters, Len Wood
Clerk/Greffière: Tannis Manikel

Social development/Affaires sociales

Chair/Président: Charles Beer
Vice-Chair/Vice-Président: Ron Eddy
Jenny Carter, Dianne Cunningham, Randy R. Hope,
Tony Martin, Dalton McGuinty, Larry O'Connor,
Yvonne O'Neill, Stephen Owens, Tony Rizzo, Jim Wilson
Clerk/Greffier: Douglas Arnott

These lists appear in the first and last issues of each session and on the first Monday of each month. A list arranged by riding appears when space permits.

Ces listes figurent dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois. Par contre, une liste des circonscriptions paraît si l'espace est disponible.

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